

ORDINANCE NO. 3613

AN ORDINANCE OF THE CITY OF NORTH RICHLAND HILLS, TEXAS, AMENDING CHAPTER 98, ARTICLE IV, DIVISION 2, OF THE NORTH RICHLAND HILLS CODE OF ORDINANCES, ADOPTING THE 2018 INTERNATIONAL SWIMMING POOL AND SPA CODE AS AMENDED AS THE SWIMMING POOL AND SPA CODE OF THE CITY OF NORTH RICHLAND HILLS; AMENDING OTHER PROVISIONS OF SUCH CHAPTER 98; PROVIDING A PENALTY; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES AND REPEAL OF CONFLICTING PROVISIONS; PROVIDING SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of North Richland Hills, Texas (“the City”) is a home rule city acting under its power adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, the 2018 International Swimming Pool and Spa Code is the only model code that addresses design and building requirements for public and residential pools and spas, including safety barriers, sanitation, ladders/steps, depth markers and energy efficiency; and

WHEREAS, the governor of Texas signed HB 2858 into law on June 14th, 2019 allowing municipalities in the state to require model standards for building, remodeling and repairing pools and spas; and

WHEREAS, the North Richland Hills City Council desires to adopt the 2018 International Swimming Pool and Spa Code with amendments recommended by the North Central Texas Council of Governments and other amendments proposed by staff in order to better provide for the safety of its residents and their property; and

WHEREAS, an overwhelming majority of municipalities in the Dallas-Fort Worth area have adopted, or will soon be adopting, the International Swimming Pool and Spa Code; and

WHEREAS, updated codes benefit North Richland Hills citizens by establishing consistency of code adoptions with other local jurisdictions; ensuring the best rating possible by the Insurance Services Organization (ISO); Contributes to the city's good standing in FEMA's Community Rating System (CRS) which enables discounted flood insurance rates for our residents; and

WHEREAS, the North Richland Hills Construction Code Appeals Board acting in its capacity as the Construction Advisory Board has reviewed and recommends the adoption of the 2018 International Swimming Pool Code with amendments recommended by the North Central Texas Council of Governments and other amendments proposed by staff;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NORTH RICHLAND HILLS, TEXAS:

SECTION 1: The City Council hereby finds the recitals above to be true and correct, and such recitals are hereby incorporated into this Ordinance as if written herein.

SECTION 2: That Chapter 98, Article IV, Division 2, of the North Richland Hills Code of Ordinances be amended to add Section 98-147 to read as follows:

Sec. 98-147. 2018 International Swimming Pool and Spa Code adopted.

The International Swimming Pool and Spa Code, 2018 Edition, as published by the International Code Council, Inc., a copy of which is on file in the office of the city secretary, as hereinafter amended, is hereby adopted as the swimming pool and spa code of the city, which governs the construction of private, public, and semi-public swimming pools and spas in the city.

SECTION 3: That Chapter 98, Article IV, Division 2, of the North Richland Hills Code of Ordinances be amended to add Section 98-148 to read as follows:

Sec. 98-148. Amendments to the 2018 International Swimming Pool and Spa Code.

The 2018 International Swimming Pool and Spa Code is amended as set forth below:

****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.

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

Section 103.1 Creation of enforcement agency. The North Richland Hills Building Inspection Department is hereby created and the official in charge thereof shall be known as the code official. North Richland Hills Neighborhood Services 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 105.5.3; Change to read as follows:**

105.5.3 Expiration. Every permit issued shall become invalid unless the work authorized by such permit is commenced with 90 days after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of 90 days after the time the work is commenced. The code official is authorized to grant, in writing, one or more extensions of time, for a period not more than 90 days. The extension shall be requested in writing and justifiable cause demonstrated.

****Section 106.4; add second paragraph as follows:**

The code official is hereby authorized to impose additional requirements when necessary to protect against public health hazards or nuisances, and may impose specific requirements in addition to the requirements contained in these rules as authorized by law. The code official shall document the conditions that necessitate the imposition of additional requirements and the underlying public health rationale. The documentation shall be provided to the permit applicant or permit holder and a copy shall be maintained in the department's records for the facility.

****Section 107.4; delete section.**

****Section 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.

Section 108; Replace entire section:

SECTION 108

MEANS OF APPEAL

108.1 Application for appeal. Any person shall have the right to appeal a decision of the code official to the North Richland Hills Construction Board of Appeals per Sections 98-42, 98-43, and 98-185(f) of the North Richland Hills Code of Ordinances. The application for appeal shall be based on a claim that the true intent of this code or the rules adopted there under have been incorrectly interpreted, the provisions of this code do not fully apply, or an equally good or better form of construction is proposed. The Construction Board of Appeals is not authorized to waive specific requirements of this code.

****Section 202; DEFINITIONS; insert definition as follows;**

North Richland Hills Neighborhood Services Department. The North Richland Hills Neighborhood Services Department regulates the operation of public and semi-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; Change 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; Change 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, Chapter 118 of the North Richland Hills Code of Ordinances, and in accordance with the Texas Administrative Code, Texas Health and Safety Code 757 for public pools.

****Section 305.2.1, item #1; Change to read as follows:**

1. The top of the barrier shall be not less than 72 inches (1829 mm) above grade where measured on the side of the barrier that faces away from the pool or spa. {remainder unchanged}

**** Add subsection 305.2.7.1; Change 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 305.3; Change to read as follows:**

305.3 Gates. Access gates shall comply with the requirements of Sections 305.3.1 through 305.3.3 and shall be equipped to accommodate a locking device. Pedestrian access gates shall open outward away from the pool or spa, shall be self-closing and shall have a self-latching device. Gates (include vehicular gates) equipped with electric closers and/or electric latches (including solar powered gates and latches) shall not serve as a barrier for restricting access to a pool or spa.

Exception: Vehicular gates equipped with electric closers and/or electric latches (including solar powered gates and latches) may assist as a barrier for restricting access to a pool or spa when an additional perimeter barrier meeting Section 305 is provided at or near the pool that is a minimum of 48 inches in height and which cannot be easily removed.

****Section 305.4 structure wall as a barrier; Changes as follows:**

305.4 Structure wall as a barrier. Where a wall of a one- or 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}

Exceptions: 1) Windows equipped with window opening control devices complying with ASTM F2090 may omit window alarms

2) Swimming pools and spas equipped with an additional perimeter barrier at or near the pool that is a minimum of 48 inches in height and which cannot be easily removed may omit window alarms when approved by the building official

2. A safety cover that is listed and labeled in accordance with ASTM F1346 is installed for the pools and spas may omit window alarms.
3. An approved means of protection is provided that provides a degree of protection that is not less than the protection afforded by Item 1 or 2.

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 a 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 305.5; amend items 1 and 2 as follows:**

1. Where only the pool wall serves as the barrier, the bottom of the wall on grade, the top of the wall is not less than 72 inches (1,829 mm) above grade for the entire perimeter of the pool, the wall complies with the requirements of Section 305.2 and the pool manufacturer allows the wall to serve as a barrier.

2. Where a barrier is mounted on top of the pool wall, the top of the barrier is not less than 72 inches (1,829 mm) above grade for the entire perimeter of the pool, and the wall and the barrier on top of the wall comply with the requirements of Section 305.2.

****Section 305.6; Change 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 307.1.4 Accessibility; Add exception to Section to 307.1.4 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; Change 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.

****Section 313.7; Change 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.

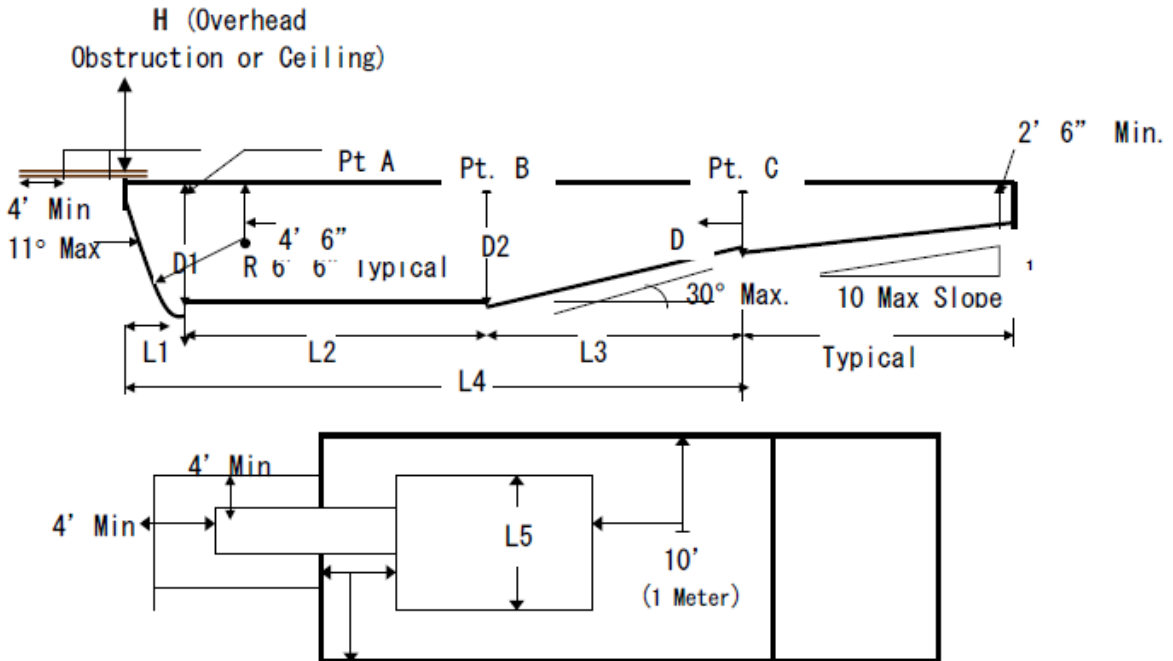
**** Section 402.12; Change to read as follows:**

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



****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.

****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.

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.

****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}

****Section 603.2; Change 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; Change to read:**

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 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, 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 4: Any person intentionally, knowingly, recklessly, or with criminal negligence violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined an amount not to exceed two thousand dollars (\$2,000). Each day any such violation shall be allowed to continue shall constitute a separate violation and be punishable hereunder.

SECTION 5: This Ordinance shall be cumulative of all provisions of the Code of Ordinances of the City of North Richland Hills, except where the provisions of this Ordinance are in direct conflict with the provisions of such ordinances and such Code, in which event conflicting provisions of such ordinances and such Code are hereby repealed.

SECTION 6: All rights and remedies of the City of North Richland Hills are expressly saved as to any and all violations of the provisions of any ordinances in the Code of Ordinances of the City of North Richland Hills that 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: 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 phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 8: This Ordinance shall be in full force and effect from and after its passage and publication as required by law.

AND IT IS SO ORDAINED.

PASSED AND APPROVED on this 14th day of October, 2019.

CITY OF NORTH RICHLAND HILLS

By: _____
Oscar Trevino, Mayor

ATTEST:

Alicia Richardson, City Secretary

APPROVED AS TO FORM AND LEGALITY:

Maleshia B. McGinnis, City Attorney

APPROVED AS TO CONTENT:

Clayton Comstock, Director of Planning