

**CITY OF BELLMEAD, TEXAS
ORDINANCE 2021-14**

AN ORDINANCE OF THE CITY OF BELLMEAD, TEXAS AMENDING CHAPTER 4 – BUILDINGS AND BUILDING REGULATIONS, ARTICLE II. – BUILDING CODE; PROVIDING FOR THE ADOPTION OF THE *INTERNATIONAL SWIMMING POOL AND SPA CODE 2018 EDITION*; AMENDING CHAPTER 9 – HEALTH AND HUMAN SERVICES, ARTICLE III. – SWIMMING POOL AND SPA REGULATIONS; PROVIDING FOR THE ADOPTION OF LOCAL AMENDMENTS THERETO; PROVIDING FOR RECORDING OF SUCH CODE AS A PUBLIC RECORD; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Bellmead is a home rule city acting under its charter 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 *International Swimming Pool and Spa Code, 2018 Edition*, regulates the construction, alteration, movement, renovation, replacement, repair and maintenance of aquatic recreation facilities, pools and spas; and,

WHEREAS, Chapter 214 of the Local Government Code authorizes a municipality to regulate substandard buildings and establishes procedures thereof; and,

WHEREAS, the City Council desires to update, revise and clarify the standards and regulations that apply to substandard buildings in conformance with legislative amendments and to provide for civil penalty as permitted by law; and,

WHEREAS, the City Council of the City of Bellmead deems it necessary to adopt this ordinance providing minimum standards to safeguard the health, property, and welfare of the citizens of Bellmead by regulating and controlling the use, occupancy, maintenance, repair, design, construction, and quality of materials for buildings and structures within the City.

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BELLMEAD, TEXAS:

SECTION 1

Sec. 4-27. – Code Adopted.

There are hereby adopted by the city, for the purpose of establishing rules and regulations for the construction, alteration, removal, demolition, equipment, use and occupancy, location and maintenance of buildings and structures, including permits. The following codes which are adopted by reference as though they were fully copied herein:

- (9) 2018 International Swimming Pool and Spa Code, including Amendments.

SECTION 2

CHAPTER 9 – HEALTH AND HUMAN SERVICES, ARTICLE III – SWIMMING POOL AND SPA REGULATIONS

Sec. 9-51. – Amendments.

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.

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

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.

(Reason: To clarify requirements for dwellings and commercial properties and specific Texas statutes which regulate public pools and spas.)

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.

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

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).)

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. Remainder Unchanged
2. Remainder Unchanged
3. Remainder 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.

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

305.6 Natural barriers used in a one- and two-family dwelling or townhouse. In the case where the pool or spa area abuts ... {Text unchanged}

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

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.

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

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]

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

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.

(Reason: Language is from 2017 NEC Article 680.4 1.)

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 | ¼ 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. |

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

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;

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

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.

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

411.5.1 Swim outs. Swim outs, 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).)

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

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

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.

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

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.

(Reason: To provide minimum standards and to clarify specific manufactures specifications of the diving equipment.)

SECTION 3

This ordinance shall be cumulative of all provisions of ordinances of the City of Bellmead, Texas, 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 ordinance 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 judgement or decree of any court of competent jurisdiction, such unconstitutional 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 and such unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 5

This ordinance shall be in full force and effect June 1, 2021.

PASSED AND APPROVED ON FIRST READING APRIL 13, 2021.

PASSED AND APPROVED ON SECOND READING MAY 11, 2021.

PASSED AND APPROVED ON THIRD READING MAY 11, 2021.

Gary D. Moore

Mayor , Gary Moore

ATTEST:

Holly Owens

Holly Owens, City Secretary



APPROVED AS TO FORM & LEGALITY:

Charles Buenger

Charles Buenger, City Attorney



CITY COUNCIL AGENDA MEMO

Prepared by: Holly Owens

May 11, 2021

City Manager Approval: Yousry Zakhary

ICC updates – International Swimming Pool and Spa Code 2018 Edition

DESCRIPTION:

Consider **Ordinance 2021-14**; Amending Chapter 4 – Buildings and Building Regulations, Article II. – Building Code; Providing for the adoption of *the International Swimming Pool and Spa Code 2018 Edition*; Amending Chapter 9 – Health and Human Services, Article III. – Swimming Pool and Spa Regulations; Providing for the adoption of local amendments thereto; Providing for recording of such code as a public record; Providing that this ordinance shall be cumulative of all ordinances; Providing a severability clause; Providing a savings clause; and Providing an effective date.

BACKGROUND:

Currently, the City of Bellmead operates under the 2012 International Code Council. All codes directly affect construction, inspections, and the ISO rating for the city. Each appendices and amendments are reflective of our community and the surrounding communities. They are also recommended for our region by the NCTCOG.

The *International Swimming Pool and Spa Code* regulates the construction, alteration, movement, renovation, replacement, repair and maintenance of aquatic recreation facilities, pools and spas.

What’s new in the ISPSC 2018 codes?

- **302.6 Wastewater Discharge**

Where wastewater from pools or spas, such as backwash water from filters and water from deck drains discharge to a building system, the connection shall be through an air gap in accordance with the *International Plumbing Code* or the *International Residential Code* as applicable in accordance with Section 102.7.1.

- **401.1 Scope**

The provisions of this chapter shall apply only to Class A, Class B, Class C, Class E and Class F public swimming pools. (**Class A:** Any pool intended for use by accredited competitive aquatic events. **Class B:** Swimming pool with a water surface area of less than 1500 square feet. **Class C:** Any pool intended for use by apartments, condos, property owners’ associations, multi-family-owned pools. **Class E:** Refers to pools that are operated about 86 degrees Fahrenheit and are used for physical therapy. **Class F:** Shallow pools to be used for wading purposes. Referred to as Kiddie Pool.)

- **402.6 Location of Pool Features in a Diving Pool**

Where a pool is designed for use with diving equipment, the location of steps, pool stairs, ladders, underwater benches, underwater ledges, special features and other accessory



AGENDA ITEM 14F

items shall be outside of the minimum diving water envelope.

- **444.1 Entry and Exit**

Pools shall have not less than two means of entry and exit that are located so as to serve both ends of a pool. Pool lifts, transfer walls and transfer systems that provide for pool entry and exit by persons with physical disabilities in accordance with Section 307.9 shall not be counted as the means of entry or exit that is required by this section.

- **609.3.1 Deck Shower**

Not less than one and not more than half of the total number of showers required by Section 609.2 shall be located on the deck of or at the entrance of each pool.



These are just a few of the changes for the ISPSC.

This is the link for the ISPSC Code Book.

[2018 International Swimming Pool and Spa Code - CHAPTER 3 \(iccsafe.org\)](http://iccsafe.org)

This is the second and third final reading. The first reading was held on April 13th with an approval of 6-0-0.

FISCAL IMPACT or FUNDING SOURCE:

N/A

STAFF RECOMMENDATION:

Motion to approve **Ordinance 2021-14:** Amending Chapter 4 – Buildings and Building Regulations, Article II. – Building Code; Providing for the adoption of *the International Swimming Pool and Spa Code 2018 Edition*; Amending Chapter 9 – Health and Human Services, Article III. – Swimming Pool and Spa Regulations; Providing for the adoption of local amendments thereto; Providing for recording of such code as a public record; Providing that this ordinance shall be cumulative of all ordinances; Providing a severability clause; Providing a savings clause; and Providing an effective date.

ATTACHMENTS:

- Ordinance 2021-14 - ISPSC