

**§ 25-12- XXXXX – 2018 International Swimming Pool and Spa Cod**

- (A) The 2018 International Swimming Pool and Spa Code published by the International Code Council is adopted and incorporated by reference into this section along with Appendixes with deletions in Subsection (B), (C) and amendments in Section 25-12-XXX (*Local Amendments to the International Swimming Pool and Spa Code*).
- (B) All references to the International Plumbing Code to mean the currently adopted Uniform Plumbing Code and amendments unless not covered in the Uniform Plumbing Code.
- (C) All references to the International Mechanical Code to mean the currently adopted Uniform Mechanical Code and amendments unless not covered in the Uniform Mechanical Code
- (D) **Delete barrier requirements from City Code 25-12-242, R326**
- (E) **City Code 25-12-1 Building Code Division: 3109.3 Public swimming pools.** Public swimming pools shall be enclosed as per the ~~Texas Department of Health Standards for Swimming Pools and Spas~~ Swimming Pool and Spa Code.
- (F) **The following specific sections of the 2018 Swimming pool code and spa code are deleted and or amended:**

<b>101.1</b>	<b>101.2.1</b>	<b>101.2.2</b>	<b>103.1</b>
<b>103.3</b>	<b>104.2.1</b>	<b>105.4</b>	<b>105.5.3</b>
<b>105.5.4</b>	<b>105.6.2</b>	<b>105.6.3</b>	<b>107.4</b>
<b>107.5</b>	<b>202.1</b>	<b>305.2.7</b>	

[A] **101.1 Title.** These regulations shall be known as the Swimming Pool and Spa Code of the City of Austin, hereinafter referred to as “this code.”

**101.2.1 Public Facility Compliance with State Pool and Spa Regulations.** A public pool must be constructed, maintained, and operated in accordance with the state pool and spa regulations and the International Swimming Pool and Spa Code.

~~101.2.1~~ **101.2.2 Flotation Tanks.** Flotation tank systems intended for sensory deprivation therapy shall not be considered to be included in the scope of this code.

**SECTION 103 DEPARTMENT OF BUILDING SAFETY CODE OFFICIAL**

~~[A] 103.1 Creation of enforcement agency.~~ The department of building safety is hereby created and the official in charge thereof shall be known as the code official.

[A] **103.1 Authority.** The health authority is the City official responsible for administering, implementing, and enforcing the public swimming pool requirements of this code. The building official is the City official responsible for administering, implementing, and enforcing residential swimming pool requirements of this code. The health authority and the building official shall be known as the code official.

[A] **103.3 Deputies.** In accordance with the prescribed procedures of the jurisdiction and with the concurrence of the appointing authority, the code official shall have the authority to appoint a deputy code official, the related technical officers, inspectors, plans examiners and other employees. Such employees shall have powers as delegated by the code official. The code official may authorize plan review and inspections to be conducted by approved agencies, registered design professionals, or individuals for requirements of this code and referenced codes.

**104.2.1 Construction Plans**

(A) A person may not construct or structurally alter a public facility unless the director of the Development Services Department and the health authority have approved the construction plans.

- (B) A person who seeks to construct or structurally alter a public facility must submit the construction plans to the Development Services Department and the health authority for review.
- (C) The construction plans must comply with the requirements of the Building Criteria Manual and include:
- (1) The proposed design of the public facility;
  - (2) A description of the construction materials; and
  - (3) The mechanical plans, including a description of the equipment make and model.
- (D) The director of the Development Services Department shall approve the construction plans after determining that the plans comply with Title 25 (Land Development).
- (E) The health authority shall approve the construction plans after determining that the construction plans comply with this chapter and the state pool and spa regulations.

~~[A] 105.4 Time limitation of application. An application for a permit for any proposed work shall be deemed to have been abandoned 180 days after the date of filing unless such application has been pursued in good faith or a permit has been issued; except that the code official is authorized to grant one or more extensions of time for additional periods not exceeding 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.~~

~~105.5.3 Expiration. Every permit issued shall become invalid unless the work authorized by such permit is commenced within 180 days after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of 180 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 180 days. The extension shall be requested in writing and justifiable cause demonstrated.~~ **Time limits for applications and permit expiration and reactivation. Time limits on permit applications and requirements for permit expiration and reactivation, including a review fee for expired permits, are set forth in City Code Chapter 25-12, Article 13 ( Administration of Technical Codes ).**

~~105.5.4 Extensions. Any permittee holding an unexpired permit shall have the right to apply for an extension of the time within which the permittee will commence work under that permit when work is unable to be commenced within the time required by this section for good and satisfactory reasons. The code official shall extend the time for action by the permittee for a period not exceeding 180 days if there is reasonable cause. The fee for an extension shall be one half the amount required for a new permit for such work.~~

~~A] 105.6.2 Fee schedule. The fee schedule is set by a separate ordinance. The fees for work shall be as indicated in the following schedule:~~

**[JURISDICTION TO INSERT APPROPRIATE SCHEDULE]**

~~[A] 105.6.3 Fee refunds. Refer to Building Criteria Manual. The code official shall authorize the refunding of fees as follows:~~

- ~~1. The full amount of any fee paid hereunder that was erroneously paid or collected.~~
- ~~2. Not more than [SPECIFY PERCENTAGE] percent of the permit fee paid when no work has been done under a permit issued in accordance with this code.~~
- ~~3. Not more than [SPECIFY PERCENTAGE] percent of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan review effort has been expended. The code official shall not authorize the refunding of any fee paid except upon written application filed by the original permittee not later than 180 days after the date of fee payment.~~

**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 a pool or spa 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 subject to penalties as prescribed by law. Refer to City Code Chapter 2-13 Administrative Adjudication of Violations. 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.

**[A] 107.5 Stop work orders.** Refer to City Code 25-1-441 Stop Work Order. Upon notice from the ~~code official,~~ work on any system that is being performed 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 authorized agent, or to the person performing 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 liable to a fine of not less than [AMOUNT] dollars or more than [AMOUNT] dollars.

**202.1 Supplemental definitions.** The definitions in this subsection apply throughout this code and supplement the definitions in Section 202 ( *Definitions* ) of the 2018 International Swimming Pool and Spa Code, as published.

**STATE POOL AND SPA REGULATIONS.** The regulations adopted by the state of Texas to regulate public pools and spas, and includes the following, as amended from time to time:

- (a) Health and Safety Code Section 341.064 ( *Swimming Pools And Bathhouses* ), Section 341.081 ( *Authority Of Home-Rule Municipalities* ), Section 341.082 ( *Appointment Of Environmental Health Officer In Certain Home-Rule Municipalities* ), Section 341.091 ( *Criminal Penalty* ), and Section 341.092 ( *Civil Enforcement* ), and Section 341.0695 ( *Interactive Water Features and Fountains* );
- (b) Health and Safety Code Chapter 757 ( *Pool Yard Enclosures* ); and
- (c) Texas Administrative Code Title 25, Part 1, Chapter 265, Subchapter L (Standards for Public Pools and Spas), and Subchapter M (Public Interactive Water Features and Fountains).
- (d) Refer to currently adopted International Swimming Pool and Spa Code

**305.2.7 Chain link dimensions.**

- 1. The maximum opening formed by a chain link fence shall be not more than 1-3/4 inches (44 mm).
- 2. Where the fence is provided with slats fastened at the top and bottom that reduce the openings, such openings shall be not greater than 1-3/4 inches (44 mm).
- 3. Chain link must be secured to a top rail.
- 4. Chain link must be secured to a bottom rail or tension wire.
- 5. The tension wire shall be installed in such a manner that a 100 pound upward force applied to mid span areas of the fence shall not allow a sphere 4 inches in diameter to pass under the fence.
- 6. The minimum height of the chain link fence shall be no less than 60 inches in height.
- 7. Fence shall be designed to meet minimum wind speed requirements.

**(A) The following specific sections of Chapter 10-7 of the Austin City Code are deleted, and inserted into the International Pool and Spa Code amendments.**

<b>10-7-2</b>	<b>10-7-22</b>	<b>10-7-62</b>	
<b>10-7-3</b>	<b>10-7-41</b>		
<b>10-7-21</b>	<b>10-7-61</b>		

**§ 10-7-2 DEFINITIONS**

**(A) — In this chapter:**

- (1) — PRIVATE FACILITY** means a pool or spa that serves not more than two dwellings.
- (2) — PUBLIC FACILITY** means a public interactive water feature or fountain, pool or spa that is governed by the state pool and spa regulations.

The following definition is relocated to Chapter 2, Section 202 Definitions of the 2018 International Pool and Spa Code

~~(3)~~ STATE POOL AND SPA REGULATIONS means the regulations adopted by the state of Texas to regulate public pools and spas, and includes the following, as amended from time to time:

- (a) Health and Safety Code Section 341.064 ( *Swimming Pools And Bathhouses* ), Section 341.081 ( *Authority Of Home-Rule Municipalities* ), Section 341.082 ( *Appointment Of Environmental Health Officer In Certain Home-Rule Municipalities* ), Section 341.091 ( *Criminal Penalty* ), and Section 341.092 ( *Civil Enforcement* ), and Section 341.0695 ( *Interactive Water Features and Fountains* );
- (b) Health and Safety Code Chapter 757 ( *Pool Yard Enclosures* ); and
- (c) Texas Administrative Code Title 25, Part 1, Chapter 265, Subchapter L (Standards for Public Pools and Spas), and Subchapter M (Public Interactive Water Features and Fountains).
- (d) Refer to currently adopted International Swimming Pool and Spa Code

~~(B) — A term used in this chapter that is defined in the state pool and spa regulations has the meaning assigned to it by the state pool and spa regulations.~~

~~Source: Ord. 20060928 110; Ord. 20131003 010.~~

#### ~~§ 10 7 3 HEALTH AUTHORITY DESIGNATION; ENFORCEMENT.~~

~~(A) — In accordance with the state pool and spa regulations, the health authority is designated as the:~~

- ~~(1) — environmental health officer; and~~
- ~~(2) — local regulatory authority.~~

~~(B) — The health authority is authorized to enforce the state pool and spa regulations. The health authority may delegate enforcement to a City employee.~~

~~Source: Ord. 20060928 110.~~

#### ~~ARTICLE 2. BUILDING PERMITS.~~

##### ~~§ 10 7 21 BUILDING PERMIT REQUIRED.~~

~~(A) — Except as provided in Subsection (B), a person may not construct or structurally alter a public facility, a private facility, or an enclosure for a public or private facility unless the building official has issued a building permit for the construction or alteration.~~

~~(B) — A building permit is not required for a prefabricated wading pool with a capacity of less than 5,000 gallons.~~

~~Source: Ord. 20060928 110.~~

##### ~~§ 10 7 22 PERMIT ISSUANCE.~~

~~(A) — Except as provided in Subsection (B), the building official shall issue a building permit after determining that the construction plans for a public facility, private facility, or enclosure for a private facility comply with the applicable provisions of Chapter 25 12 ( *Technical Codes* ).~~

~~(B) — For a public facility, the building official may not issue a building permit unless the director of the Watershed Protection and Development Review Department and the health authority have approved the construction plans in accordance with Section 10 7 62 ( *Construction Plans* ).~~

~~Source: Ord. 20060928 110.~~

#### ~~ARTICLE 3. PRIVATE FACILITIES.~~

##### ~~§ 10 7 41 ENCLOSURE REQUIRED FOR PRIVATE FACILITY.~~

~~(A) The operator of a private facility located outdoors shall enclose the facility in the manner prescribed by this section.~~

~~(B) The enclosure:~~

- ~~(1) must be at least four feet in height;~~
- ~~(2) may include a fence, wall, or building;~~
- ~~(3) may not include an opening large enough to permit the passage of a four inch diameter sphere; and~~
- ~~(4) must be constructed in accordance with the Building Criteria Manual.~~

~~Source: Ord. 20060928 110.~~

#### **ARTICLE 4. -PUBLIC FACILITIES.**

##### **101.2.1 PUBLIC FACILITY**

~~§ 10-7-61~~ COMPLIANCE WITH STATE POOL AND SPA REGULATIONS.

A public pool facility must be constructed, maintained, and operated in accordance with the state pool and spa regulations and the International Swimming Pool and Spa Code

~~Source: Ord. 20060928 110.~~

##### **104.2.1 § 10-7-62 - CONSTRUCTION PLANS.**

- (A) A person may not construct or structurally alter a public facility unless the director of the ~~Watershed Protection and Development Services Review~~ Department and the health authority have approved the construction plans.
- (B) A person who seeks to construct or structurally alter a public facility must submit the construction plans to ~~the Watershed Protection and Development Services Review~~ Department and the health authority for review.
- (C) The construction plans must comply with the requirements of the Building Criteria Manual and include:
  - (1) The proposed design of the public facility;
  - (2) A description of the construction materials; and
  - (3) The mechanical plans, including a description of the equipment make and model.
- (D) The director of the ~~Watershed Protection and Development Services Review~~ Department shall approve the construction plans after determining that the plans comply with Title 25 (Land *Development*).
- (E) The health authority shall approve the construction plans after determining that the construction plans comply with this chapter and the state pool and spa regulations.