

**RULE NO.: R161-20.14**

**NOTICE OF PROPOSED RULE**

**POSTING DATE: 10/07/2020**

The Director of the Development Services Department proposes to adopt the following rule after November 8, 2020.

Comments on the proposed rule are requested from the public. Comments should be submitted to Christopher Johnson at Christopher.Johnson@austintexas.gov or 512-974-2769. To be considered, comments must be submitted before November 8, 2020, the 32nd day after the date this notice is posted. A summary of the written comments received will be included in the notice of rule adoption that must be posted for the rule to become effective.

An affordability impact statement regarding the proposed rule is pending; once approved it is available for inspection or copying at the address noted in the preceding paragraph.

**EFFECTIVE DATE OF PROPOSED RULE**

A rule proposed in this notice may not become effective before the effective date established by a separate notice of rule adoption. A notice of rule adoption may not be posted before November 8, 2020 (the 32nd day after the date of this notice) or after December 16, 2020 (the 70th day after the date of this notice).

If a proposed rule is not adopted on or before December 16, 2020, it is automatically withdrawn and cannot be adopted without first posting a new notice of a proposed rule.

**BRIEF EXPLANATION OF PROPOSED RULE**

R161-20.14: Proposed revisions to the Building Criteria Manual, Section 3 – Swimming Pools to establish rules necessary to implement the International Swimming Pool and Spa Code which goes into effect on September 1, 2020. The proposed revisions relate to:

- Updated submittal requirements for DSD and APH
- Implementation of 3rd party inspection
- Establish qualification requirements for the 3rd party inspector
- Inspection checklist shall be available online
- Provide direction regarding water discharge per AW and WPD
- Provide direction regarding when a RDP is needed to verify structural integrity
- Product summary of inspections to clarify responsibilities between DSD, APH and AFD
- Provide distinction between DSD and 3rd party inspections

The text of the proposed rule, indicating changes from the current text, is also attached to this notice. Additionally, a copy of the complete text of the proposed rule is available for public inspection and copying at the following locations. Copies may be purchased at the locations at a cost of ten cents per page:

Office of the City Clerk, City Hall, located at 301 West 2nd Street, Austin, Texas.

## **AUTHORITY FOR ADOPTION OF PROPOSED RULE**

The authority and procedure for adoption of a rule to assist in the implementation, administration, or enforcement of a provision of the City Code is provided in Chapter 1-2 of the City Code. The authority to regulate construction requirements is established in Chapter 25-12 of the City Code.

## **CERTIFICATION BY CITY ATTORNEY**

By signing this Notice of Proposed Rule (R161-20.14), the City Attorney certifies the City Attorney has reviewed the rule and finds that adoption of the rule is a valid exercise of the Director's administrative authority.

## **REVIEWED AND APPROVED**



Denise Lucas, C.P.M., Director  
Development Services

Date: October 5, 2020



Anne L. Morgan  
City Attorney

Date: October 6, 2020

# BUILDING CRITERIA MANUAL

## SECTION 3 - SWIMMING POOLS

### 3.1.0 GENERAL

This section applies to swimming pools and spas subject to Texas Administrative Code, Title 25, Chapter 265, and addresses the following:

- A plan review checklist containing the minimum required information for proposed construction or modification of swimming pools and spas; and
- Reference to the State standards for the construction and/or modification of enclosure devices for swimming pools and spas.

This section applies to public and residential swimming pools and spas in the jurisdiction of the City of Austin. Construction must comply with City Code including all adopted International and Uniform Codes.

The technical code local amendments are located in the City Code Chapter 25-12.

Individual technical code ordinances are also available online on the Development Services Department Building Technical Codes website.

### 3.2.0 ENCLOSURE DEVICES FOR SWIMMING POOLS

Enclosure devices for swimming pools and spas subject to this section shall be constructed and maintained in accordance with local and/or state codes and standards.

### 3.3.0 PLANS FOR CONSTRUCTION OR MODIFICATION OF POOLS/SPAS

Four copies of plans for the proposed construction or modification of swimming pools and spas subject to this section must be submitted. The following minimum information must be included on the plans and is not to be considered all inclusive:

- Name and physical address of the facility for which the pool/spa is being built.
- Name of the designer with signature and seal (if applicable).
- A longitudinal layout diagram with all distances marked, including those which show distances from buildings and the size of the pool deck.
- A lengthwise cross section diagram with specifications, especially those showing depth of the pool at various points. Show depth marker tiles and indicate required signage to be displayed.
- On overhead drawing, including all suction outlets and return inlets, lights, skimmers and vacuum hose connections of the pool using one quarter (1/4") inch scale.
- Detailed cross section diagram of enclosure device including dimensions/measurements.
- Volume of the pool in gallons.
- Manner of disposal of backwash, drain water, and sewage from restrooms, when applicable.
- Method of water treatment along with specifications of filter type and media.
- Method of water disinfection.
- Construction materials to be utilized and finished texture for pool interior and decks.
- State recirculation system for complete, continuous circulation including turnover rate and pump specifications.
- Specify the types of drain covers/grates on all suction outlets, including ANSI/ASME A-112.19.8-2007 stamp.

- Identify all wall and pool slopes, visual separations, offsetting ledges, benches, lounges, swim outs, decks, all entry types, including detailed cross section diagram and dimensions/measurements.
- Specify the type of enclosure to be constructed and the required latching mechanism as per the applicable Code(s).

### **3.2.0 DEFINITIONS**

APH – AUSTIN PUBLIC HEALTH

DSD – DEVELOPMENT SERVICES DEPARTMENT

IBC – INTERNATIONAL BUILDING CODE

ISPC – INTERNATIONAL SWIMMING POOL AND SPA CODE

NFPA 70 – NATIONAL FIRE PROTECTION AGENCY

UMC – UNIFORM MECHANICAL CODE

UPC – UNIFORM PLUMBING CODE

ANSI – AMERICAN NATIONAL STANDARDS INSTITUTE

APSP – ASSOCIATION OF POOL AND SPA PROFESSIONALS

### **3.3.0 PROCESS FOR OBTAINING A BUILDING PERMIT FOR A PUBLIC SWIMMING POOL**

1. An applicant must submit two applications (Austin Public Health Department in section 3.5.0 and Development Services Department in section 3.7.0), and all appropriate plans electronically as indicated on the City of Austin website.
2. For additional submittal requirements refer to section 3.4.0 Austin Public Health Plan Review Checklist and section 3.6.0 Development Services Department Submittal Requirements for Public Pools.

### **3.4.0 PLAN REVIEW CHECKLIST (APH)**

A checklist with all minimum requirements for plan submission can be found on the Austin Public Health website.

### **3.5.0 PUBLIC SWIMMING POOL APPLICATION (APH)**

Construction plans must be submitted to Austin Public Health for approval.

### **3.6.0 PUBLIC SWIMMING POOL SUBMITTAL REQUIREMENTS (DSD)**

A summary of submittal requirements on how to obtain a commercial swimming pool or spa permit within the City of Austin jurisdiction can be found on the Commercial Plan Review website.

### **3.7.0 PUBLIC SWIMMING POOL APPLICATION (DSD)**

To obtain a permit for a public swimming pool, visit the Commercial Plan Review website for an application.

### **3.8.0 RESIDENTIAL SWIMMING POOL APPLICATION (DSD)**

To obtain a permit for a residential swimming pool, visit the Residential Plan Review website for an application.

### **3.9.0 RESIDENTIAL SWIMMING POOL THIRD-PARTY INSPECTION CHECKLIST**

To review the third-party inspection checklist for residential swimming pools, visit DSD's Building Technical Codes website. This checklist shall only be completed by an approved inspector, and uploaded to AB+C Portal for review by City of Austin Inspection Staff prior to final inspection.

### **3.10.0 RESIDENTIAL SWIMMING POOL ANSI-APSP-ICC-15 AND ANSI-APSP-ICC-7**

The ANSI-APSP-ICC-7 field checklist for identifying suction entrapment hazard and the ANSI-APSP-ICC 15 field checklist for pipe sizing, filter sizing and pump selection must be completed and available for review during the layout and final inspections where indicated in BCM 3.17.0. These checklists must be completed by the swimming pool designer, and can be found on DSD's Building Technical Codes website.

### **3.11.0 RESIDENTIAL SWIMMING POOL APPROVED THIRD-PARTY INSPECTORS**

Until an International Swimming Pool and Spa Certification is made available by the International Code Council, the following may be accepted in its place:

- a. Certified Pool & Spa Building Professional (CBP)\*
- b. Registered Design Professional
- c. ICC Certified Residential Building Inspector\*

\* Completion of the 6-hour International Swimming Pool & Spa Code class is required.

### **3.12.0 RESIDENTIAL SWIMMING POOL BACKWASH AND POOL MAIN DRAINAGE**

Pool water is prohibited from discharging to a storm drain / waterway if it causes pollution (e.g. water that is chlorinated, turbid, stagnant, low in dissolved oxygen, discolored, malodorous/noxious, etc.).

Pool filter backwash water must be directed to a vegetated area or a subsurface area of adequate size and slope to allow infiltration and contain the backwash volume. It cannot be discharged offsite or become a public nuisance. The method of pool filtration must be a "closed-loop" system such as a cartridge filter system. Pool filter canisters can then be removed and rinsed over a vegetated area using a garden hose.

Main drain discharges may be plumbed to a vegetated area or a storm sewer/waterway provided the pool water is dechlorinated prior to discharge. The method of dechlorinating can be natural evaporation (i.e. allowing the pool to "sit" without treatment) or correctly using a dechlorinating agent such as sodium thiosulfate. If discharging to a storm sewer/waterway, dechlorinated water must be drained before turning stagnant.

### **3.13.0 RESIDENTIAL SWIMMING POOLS CONCEALED PIPING INSPECTION PROCESS**

The underground process piping inspection requirement will not be enforced when the completed ANSI/APSP/ICC 15 checklist is provided, unless deemed necessary by the Building Official. The checklist must match site conditions and process, and auxiliary piping pressure test must be inspected and approved by a certified inspector.

### **3.14.0 RESIDENTIAL SWIMMING POOL AND SPA STRUCTURAL VERIFICATION**

Structural verification shall be required by a registered design professional for any swimming pools or spas that bear upon a structure or backfill, are located within a structure or may negatively impact adjacent structures and/or property. Structural verification for all other swimming pools or spas will be the sole responsibility of the swimming pool designer.

### **3.15.0 PUBLIC SWIMMING POOL AND SPA INSPECTION SUMMARY OF RESPONSIBILITIES (DSD)**

#### **PLUMBING & MECHANICAL INSPECTIONS**

- A. Gas yard line and all associated equipment as per adopted Plumbing Code and Mechanical Code
- B. Water supply and water protection devices as per adopted Plumbing Code
- C. Toilet facilities as per adopted Building Code and Plumbing Code

## BUILDING INSPECTION

- A. Structural wall as a barrier when R2 and R3 occupancies are involved (shared responsibility with APH)
- B. Exiting requirement of pool enclosure as per Building Code pertaining to number of exits and size
- C. Accessibility as per Building Code requirements pertains to route to public pool and the accessible recreational facilities provisions of the Building Code
- D. Decks as per Building Code handrails, guardrails, stairs and structural (shared responsibility with APH)
- E. Glazing as per Building Code
- F. Roof or canopies as per Building Code
- G. Occupant load as per Building Code and specific requirements of the Swimming Pool and Spa Code
- H. Toilet facilities as per Building Code

## ELECTRICAL INSPECTION

- A. Electrical requirements as per NFPA 70

### **3.16.0 RESIDENTIAL SWIMMING POOL AND SPA INSPECTION SUMMARY OF RESPONSIBILITIES (DSD)**

- A. Location of swimming pool
- B. Gas yard line and all associated equipment and clearance
- C. Water supply and water protection devices
- D. Barrier requirements as per the Swimming Pool and Spa Code
- E. Associated swimming pool and spa structures built requiring permits
- F. Electrical requirements as per NFPA 70
- G. Manage third-party inspections and documentation

### **3.17.0 RESIDENTIAL SWIMMING POOL AND SPA SPECIFIC INSPECTION REQUIREMENT FOR ENTRAPMENT VERIFICATION**

- A. Layout Inspection
  - a. Obtain APSP 7, verify design total dynamic head and design flow rate, attach to permit
  - b. Review pump information, pump curve required when pump can exceed design flow rate, attach to permit
  - c. Review and attach SOFA information, suction outlet fitting assembly shall exceed design flow
  - d. Require that gages be installed at suction and outlet side of pump to determine TDH at final inspection
- B. Final Inspection
  - a. Obtain gauge readings and calculate actual TDH
  - b. Use pump curve and actual TDH to determine actual system flow rate
  - c. Compare actual system flow rate to SOFA flow rate, SOFA rate must exceed system flow rate