

AN ORDINANCE OF THE CITY OF DENTON AMENDING THE CODE OF ORDINANCES OF THE CITY OF DENTON TO CREATE NEW SECTIONS 28-51 THROUGH 28-55; BY ADOPTING THE 2021 EDITION OF THE *INTERNATIONAL SWIMMING POOL AND SPA CODE* AS AMENDED HEREIN; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEALER; PROVIDING FOR CONTINUATION OF PRIOR LAW; PROVIDING A PENALTY; PROVIDING FOR PUBLICATION AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, upon the recommendation of the Health & Building Standards Commission at its March 24, 2022 meeting, the City Council now finds it is in the best interests of public health, safety, and welfare to adopt the 2021 edition of the *International Swimming Pool and Spa Code*, NOW, THEREFORE,

THE COUNCIL OF THE CITY OF DENTON HEREBY ORDAINS:

SECTION 1. Article VI, Chapter 28, Buildings and Building Regulations, Section 28-51 through 28-55, of the Denton Code of Ordinances are enacted to read as follows:

**Sec. 28-51. 2021 International Swimming Pool and Spa Code adopted.**

- (a) This section is applicable to the design construction, alteration, repair, and maintenance of swimming pools, spas, hot tubs, and aquatic facilities in the city.
- (b) The *International Swimming Pool and Spa Code*, 2021 edition, published by the International Code Council, a copy of which shall be filed in the office of the city secretary and available for public inspection, is hereby adopted, the same as if copied at length herein, and subject to the deletions and amendments enumerated in Section 28-52.

**Section 28-52. Deletions and Amendments to the 2021 Swimming Pool and Spa Code.**

1. Section 101.1. is deleted in its entirety and replaced with the following:

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

2. Section 102.9. is deleted in its entirety and replaced with the following:

**Section 102.9 Other laws.** The provisions of this code shall not be deemed to nullify any provisions of local, state or federal law, including, 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.

3. Section 103.1 is deleted in its entirety and replaced with the following:

**Section 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*. The function of the agency shall be the implementation, administration and enforcement of the provisions of this code. The Division of Health and Food Safety is hereby created and the official in charge thereof shall be known as the *code official* for operation and maintenance of any *public or semi-public swimming pool* in accordance with this code, local and state law.

4. Section 105.4.4 is deleted in its entirety and replaced with the following:

**105.4.4 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.

5. Section R108.2 is deleted in its entirety and replaced with the following:

**R108.2 Schedule of permit fees.** On buildings, structures, electrical, gas, mechanical and plumbing systems or alterations requiring a permit, a fee for each permit shall be paid as required, in accordance with the schedule as established by the applicable governing authority or ordinance of the City.

6. Section 111 is deleted in its entirety and replaced with the following:

## **111 HEALTH AND BUILDING STANDARDS COMMISSION**

**111.1 General.** In order to hear and decide appeals of orders, decisions or determinations made by the building official, code official, or fire marshal relative to the application and interpretation of the requirements of this Code and all other applicable codes of the City of Denton, there shall be a health and building standards

commission.

**111.2 Limitations on authority.** An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder 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 health and building standards commission shall not have authority to waive requirements of this code.

7. Section 112 Board of Appeals, is deleted in its entirety.

8. Section 113.4 Violation penalties, is deleted in its entirety.

9. Section 202 is amended to add the following definition:

**HEALTH AND FOOD SAFETY:** Health and Food Safety Division regulates the operation of public and semi-public pools and spas. Routine inspections are conducted to document compliance with the standards set forth in State law in accordance with the Code of Ordinances.

10. Section 305.1 is deleted in its entirety and replaced with the following:

**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 only 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.

11. Section 305.2 is deleted in its entirety and replaced with the following:

**305.2 Outdoor and indoor 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.

12. A new Section 305.2.7 is added, 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

13. Section 305.6 is deleted in its entirety and replaced with the following:

**305.6 Natural barriers used in a one or two-family dwelling.** 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 (457 mm), a

barrier is not required between the natural body of water shoreline and the pool or spa.

14. Section 310.1 is deleted in its entirety and replaced with the following:

**310.1 General.** Suction entrapment avoidance for pools and spas shall be provided in accordance with APSP 7 (ANSI/PHTA/ICC 7). Suction entrapment avoidance for public swimming pools will be in accordance with State of Texas Rules for Public Swimming Pools and Spas, 25 TAC Chapter 265 Subchapter L, Rule §265.193.

**Exception:** Portable residential spas and portable residential exercise spas listed and labeled in accordance with UL 1563 or CSA C22.2 No. 218.1.

15. Section 313.7 is deleted in its entirety and replaced with the following:

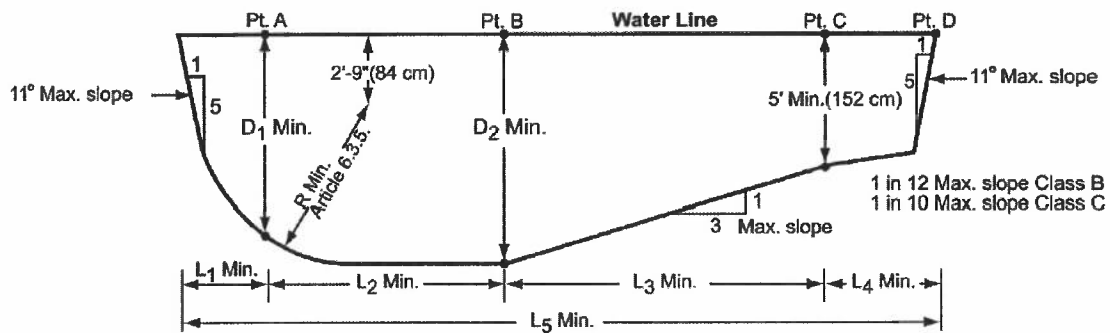
**313.7 Emergency shutoff switch for spas and hot tubs.** A clearly labeled emergency shutoff or control switch for the purpose of stopping the motor(s) that provide power to the recirculation system and jet system shall be installed at a point readily accessible to the users and not less than 5 feet (1524 mm) away, adjacent to, and within sight of the spa or hot tub. This requirement shall not apply to single-family dwellings.

16. Section 402.12 is deleted in its entirety and replaced with the following:

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

**Table 402.12**  
**MINIMUM DIVING WATER ENVELOPES**  
(See Figure 402.12)

Pool Type	Minimum dimensions								Minimum width of pool at:		
	D1	D2	R-D3	L1	L2	L3	L4	L5	Pt. A	Pt. B	Pt. C
VI	8'-6"	9'-0"	4'-0"	4'-0"	12'-0"	14'-0"	4'-0"	34'-0"	16'-0"	18'-0"	18'-0"
VII	11' 2"	10' 10"	6'-0"	5'-0"	16'-5"	13'-2"	4'-0"	38'-7"	18'-0"	20'-0"	20'-0"
VIII	12'-2"	11'-10"	6'-0"	6'-0"	19'-9"	13'-11"	2'-0"	41'-8"	20'-0"	23'-0"	23'-0"



**Figure 402.12 Minimum Diving water envelopes  
CONSTRUCTION DIMENSIONS FOR WATER ENVELOPES FOR CLASS B AND CLASS C POOLS**

17. Section 402.13 is deleted in its entirety and replaced with the following:

**402.13 Ladders for diving equipment.** Ladders shall be provided with two grabrails 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;

18. Section 411.2 is deleted in its entirety and replaced with the following:

**411.2 Pool stairs.** The design and construction of stairs extending into the pool in either shallow or deep water, including recessed pool stairs, shall comply with Sections 411.2.1 through 411.2.4.

**411.2.1 Tread dimensions and area.** Treads shall have a minimum unobstructed horizontal depth (*i.e.*, horizontal run) of 12 inches (305 mm) and a minimum width of 20 inches (508 mm)

**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.

**411.2.3 Top Tread.** The vertical distance from the pool coping, deck, or step surface to the uppermost tread shall be not greater than 12 inches (305mm).

**411.2.4 Bottom Tread.** Where stairs are located in the water depths greater than 48 inches (1219mm), the lowest tread shall be not less than 48 inches (1219mm) below the deck and shall be recessed in the pool wall.

**411.2.5 Outlined edges.** The leading horizontal and vertical edges of stair treads shall be outlined with slip-resistant contrasting tile or other permanent marking of not less than 1 inch (25.4 mm) and not greater than 2 inches (50.8 mm).

19. Section 411.5.1 is deleted in its entirety and replaced with the following:

**411.5.1 Swimouts.** Swimouts, located in either the deep or shallow area of a pool, shall comply with all of the following:

1. The horizontal surface shall be not greater than 20 inches (508 mm) below water line.
2. An unobstructed surface shall be provided that is equal to or greater than that required for the top tread of the pool stairs in accordance with Section 411.2.
3. Where used as an entry and exit access, swimouts shall be provided with steps that comply with the pool stair requirements of Section 411.2.
4. The leading edge shall be provided with a horizontal solid or broken stripe at least 1 inch (25 mm) 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, the color shall be permanent in nature and shall have a slip-resistant surface.

20. Section 411.5.2 is deleted in its entirety and replaced with the following:

**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. The horizontal surface shall be not greater than 20 inches (508 mm) below the water line.
2. An unobstructed surface shall be provided that is a not less than of 10 inches (254 mm) in depth and not less than 24 inches (607mm) in width.
3. Underwater seats and benches shall not be used as the required entry and exit access.
4. Where underwater seats are located in the deep area of the pool where manufactured or constructed diving equipment is installed, such seats shall be located outside of the minimum water envelope for diving equipment.
5. The leading edge shall be provided with a horizontal solid or broken stripe at least 1 inch (25 mm) 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, the color shall be permanent in nature, and shall have a slip-resistant surface.

6. The horizontal surface shall be at or below the water line.
7. A tanning ledge or sun shelf used as the required entry and exit access shall be located not greater than 12 inches (305 mm) below the water line.

21. Section 603.2 is deleted in its entirety and replaced with the following:

**603.2 Class A and B pools:** For 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 (102 mm) 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 (305 mm) and 2 feet (610 mm) on the shallow side of the 5-foot (1524 mm) 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 (2134 mm) 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.

22. Section 610.5.1 is deleted in its entirety and replaced with the following:

**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.

**Sec. 28-53 through 28-55. Reserved.**

**SECTION 2.** If any provision of this ordinance or the application thereof to any person or circumstances is held invalid by any court, such invalidity shall not affect other provisions or applications, and to this end, the provisions of this ordinance are severable.

**SECTION 3.** All provisions of the ordinances of the City of Denton in conflict with the provision of this ordinance are hereby repealed. The repeal of any ordinance or any portion thereof by the preceding text shall not affect or impair any act done or right vested or accrued or any proceeding, suit or prosecution had or commenced in any cause before such repeal shall take effect and such shall remain in force for all intents and purposes as if such ordinance or part thereof so repealed shall remain in force.

**SECTION 4.** Any person violating any provision of this ordinance shall, upon conviction, be found guilty of a misdemeanor and fined a sum not to exceed two thousand dollars (\$2,000.00) for each violation. Each day that a provision of this ordinance is violated shall constitute a separate and distinct offense.

SECTION 5. Pursuant to Section 2.09(c) of the Charter for the City of Denton and Section 214.218 of the Texas Local Government Code, this ordinance shall become effective on June 1, 2022, and the City Secretary is hereby directed to cause the caption of this ordinance to be published twice in the Denton Record Chronicle, the official newspaper of the City of Denton, Texas, within ten (10) days of the date of its passage and approval.

SECTION 6. An offense committed before the effective date of this ordinance is governed by prior law and the provisions of the Denton Code of Ordinances, as amended, in effect when the offense was committed and the former law is continued in effect for this purpose.

The motion to approve this ordinance was made by Jesse Davis and seconded by Alison Maguire, the ordinance was passed and approved by the following vote [7 - 0]:

	Aye	Nay	Abstain	Absent
Mayor Gerard Hudspeth:	<u>✓</u>	_____	_____	_____
Vicki Byrd, District 1:	<u>✓</u>	_____	_____	_____
Brian Beck, District 2:	<u>✓</u>	_____	_____	_____
Jesse Davis, District 3:	<u>✓</u>	_____	_____	_____
Alison Maguire, District 4:	<u>✓</u>	_____	_____	_____
Deb Armintor, At Large Place 5:	<u>✓</u>	_____	_____	_____
Paul Meltzer, At Large Place 6:	<u>✓</u>	_____	_____	_____

PASSED AND APPROVED this, the 5<sup>th</sup> day of April, 2022.

  
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 GERARD HUDSPETH, MAYOR

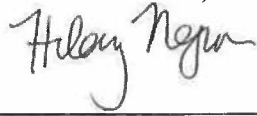
ATTEST:  
 ROSA RIOS, CITY SECRETARY

BY: 





APPROVED AS TO LEGAL FORM:  
MACK REINWAND, CITY ATTORNEY



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