

ORDINANCE NUMBER _____

AN ORDINANCE AMENDING THE FORT WORTH BUILDING CODE, BY ADOPTING THE 2018 INTERNATIONAL SWIMMING POOL AND SPA CODE, WITH LOCAL AMENDMENTS; AMENDING CHAPTER 7: BUILDINGS OF THE CODE OF THE CITY OF FORT WORTH (2015) TO ADD ARTICLE XII, “INTERNATIONAL SWIMMING POOL AND SPA CODE”; REGULATING THE ERECTION, CONSTRUCTION, ENLARGEMENT, ALTERATION, REPAIR, MOVING, REMOVAL, DEMOLITION, CONVERSION, OCCUPANCY, EQUIPMENT, DESIGN, QUALITY OF MATERIALS, USE , HEIGHT, AREA, REHABILITATION AND MAINTENANCE OF POOL AND SPAS IN THE CITY OF FORT WORTH; DEFINING CERTAIN TERMS; PROVIDING FOR THE ISSUANCE OF PERMITS AND THE COLLECTION OF FEES THEREOF; PROVIDING FOR THE INSPECTION OF BUILDINGS; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR A PENALTY CLAUSE; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE; PROVIDING FOR PUBLICATION IN PAMPHLET FORM; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, in 2019, the Texas Legislature passed House Bill (HB 2858) which adopted the 2018 International Swimming Pool and Spa Code (ISPSC) as the municipal swimming pool and spa code in this state; and

WHEREAS, in accordance with HB 2858, if a municipality elects to regulate pools or spas will do so in accordance with the 2018 ISPSC and the bill also provides for the adoption of local amendments; and

WHEREAS, the North Central Texas Council of Governments’ (NCTCOG) Regional Codes Coordinating Committee (RCCC) and its five advisory boards conducted open meetings over a one-year period to review the 2018 editions of the International Codes and to develop regional amendments; and

WHEREAS, the RCCC’s recommendation to adopt the ISPSC along with regional amendments was endorsed by the NCTCOG’s Executive Board on September 27, 2018; and

WHEREAS, the local Texas Pool and Spa Coalition and the Development Advisory Board are aware of the code adoption and have not voiced any concerns; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FORT WORTH, TEXAS:

SECTION 1.

That Section 7-1, “The Fort Worth Building Administrative Code,” Part I – Scope and Application, Section 101.2 Scope is hereby amended to add the Pool and Spa Code to the group of codes that are referred to as “the Technical Codes” to read as follows [Sections 101.1; 101.2.1; 101.2.2; 101.2.3; 101.2.4; 101.2.5, 101.2.6; 101.5 and following paragraph remain unchanged]:

Sec. 7-1 Building Administrative Code

PART I - SCOPE AND APPLICATION

SECTION 101 – GENERAL

101.2 Scope. The provisions of *this Code* shall serve as the administrative, organizational, and enforcement rules and regulations for the Fort Worth Building, Residential, Plumbing, Mechanical, Electrical, Sign, Pool and Spa and Existing Building codes, herein referred to as "*the Technical Codes*", which regulate the construction, alteration, relocation, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal and demolition of every building or structure or any appurtenances connected or attached to such buildings or structures.

....
101.2.74.7 Electrical. Any reference to NFPA 70 shall mean the Fort Worth Electrical Code as adopted with amendments and shall regulate:

1. The design, construction, installation, alteration, repairs, relocation, replacement, addition to, use or maintenance of electrical systems, electrical conductors, electrical equipment, signaling and communications conductors and equipment, and fiber optic cables and raceways.

2. The installation and alteration of electrical equipment, which shall include electrical conductors, fittings, devices, signs, sign primaries, fixtures, motors, generators, starters, controls, raceways and that part of elevator installations consisting of signal systems, fans, electrical lighting fixtures, illuminated thresholds, feeder conductor and raceways to motor and generator disconnect switches and controllers and all electrical installations in connection with interlocking devices, other than on automatic elevators, located within or on public and private buildings and premises, except as excluded by paragraph (b) below.

3. Registration and licensing of those persons who will install or maintain such electrical equipment.

4. The Fort Worth Electrical Code shall be used as the electrical provisions of the Residential Code.

101.2.8 Pool and Spa. The Provisions of the Pool and Spa 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.

101.2.94.8 Property Maintenance. Any reference to the *International Property Maintenance Code* shall mean the provisions of the Building Code, the Fire Code and the Minimum Building Standards Code that apply to existing structures and premises; equipment and facilities; light, ventilation, space heating, sanitation, life and fire safety hazards; responsibilities of owners, operators and occupants; and occupancy of existing premises and structures.

The provisions of *the Technical Codes* shall also apply to usage of the surrounding site and access to and from the building, structure or site, as necessary to achieve code compliance.

SECTION 2.

Article XII “International Swimming Pool and Spa Code” of Chapter 7: Buildings of the Code of the City of Fort Worth (2015) is added to read as follows:

ARTICLE XII: INTERNATIONAL SWIMMING POOL AND SPA CODE

Sec. 7-440. THE 2018 EDITION OF THE INTERNATIONAL SWIMMING POOL AND SPA CODE ADOPTED.

(a) The Building Code of the City of Fort Worth is hereby revised and amended to include, the 2018 edition of the International Swimming Pool and Spa Code of the International Code Council (ICC), and the same as amended is hereby adopted as the City's Swimming Pool and Spa Code.

(b) Any Errata corrections published by the International Code Council for the 2018 International Swimming Pool and Spa Code, as they are discovered, are considered as part of this code.

SECTION 3.

Section 7-47 of the Code of the City of Fort Worth (2015) is amended to read as follows:

Sec. 7-441. Amendments

The 2018 edition of the International Swimming Pool and Spa Code is hereby amended to read as follows:

CHAPTER 1 – SCOPE AND ADMINISTRATION

**ISPC Chapter 1: "SCOPE AND ADMINISTRATION" is hereby deleted and replaced with the Fort Worth Administrative Code:*

CHAPTER 2 – DEFINITIONS

ISPC SECTION 202 DEFINITIONS

**ISPC Section 202; definitions are added to read as follows:*

CODE COMPLIANCE DEPARTMENT. Code Compliance Department regulates the operation of 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.

CHAPTER 3 – GENERAL COMPLIANCE

**ISPSC SECTION 305
BARRIER REQUIREMENTS**

**ISPSC Section 305.1; 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.

**ISPSC 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 and in accordance with the Texas Administrative Code, Texas Health and Safety Code 757 for public pools.

**ISPSC Section 305.2.7.1; add 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.

**ISPSC Section 305.4; add a second paragraph and change to read as follows:*

305.4 Structure wall as a barrier. Where a wall ~~of a dwelling or structure 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 2015 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.

**ISPSC 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.

**ISPSC SECTION 307
GENERAL DESIGN**

**ISPSC Section 307.1.4; add exception 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.

**ISPSC SECTION 310
SUCTION ENTRAPMENT AVOIDANCE**

**ISPSC 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.

[Remainder unchanged]

**ISPSC SECTION 313
PUMPS AND MOTORS**

**ISPSC Section 313.7; change to read as follows:*

313.7 Emergency shutoff switch for spas and hot tubs. An emergency shutoff switch shall be provided to disconnect all power to recirculation and jet system pumps and air blowers. Emergency shutoff switches shall be provided with access; located within sight of pools and spas and located not less than 5 feet (5') horizontally from the inside walls of the pool or spa. 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.

Exception: Onground storable and permanent inground residential swimming pools.

CHAPTER 4 – PUBLIC SWIMMING POOLS

**ISPSC SECTION 402
DIVING**

**ISPSC Section 402.12; change to read as follows:*

402.12 Water envelopes. The minimum diving water envelopes shall be in accordance with Table 402.12 Texas department of State Health services, Administrative Code Title 25, Chapter 265, Section 186 (e) and Figure: 25 TAC 256.186 (e) (6).

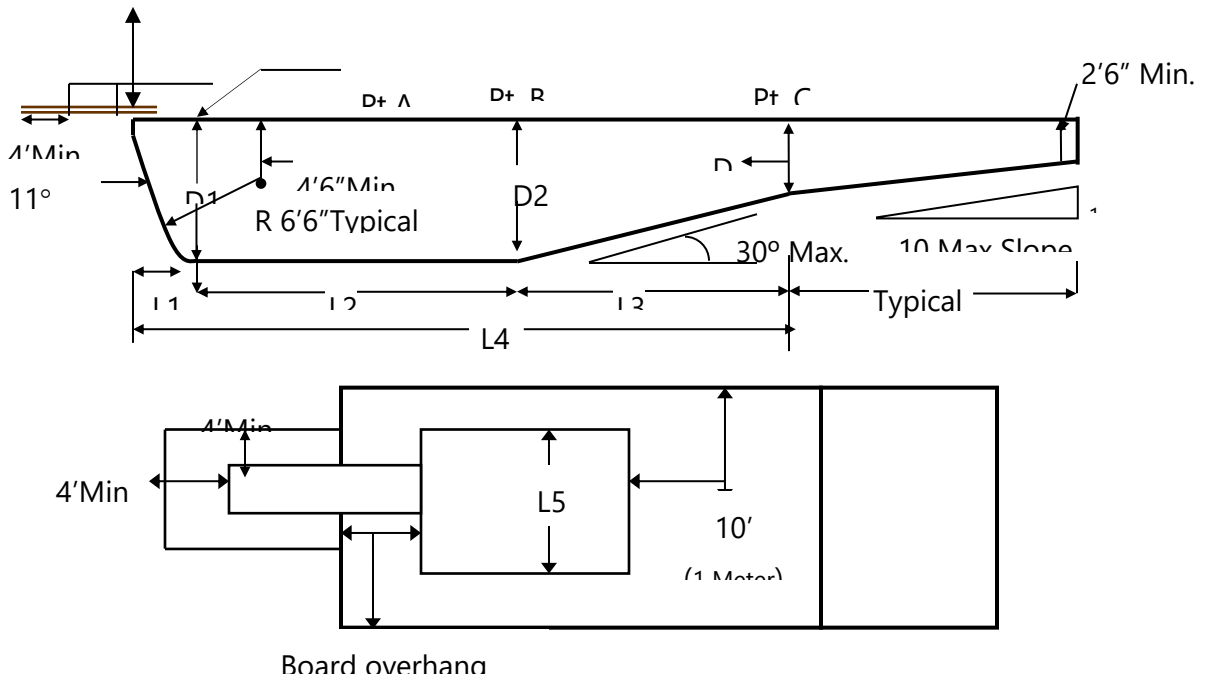
**ISPSC Table 402.12 and Figure 402.12; delete and replace as follows:*

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.

H (Overhead

Obstruction or Ceiling)



**ISPC 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.

Exception: The distance between treads for the top and bottom riser can vary.

ISPC SECTION 411 SPECIAL FEATURES

**ISPC Section 411.2.1; 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, not be less than 24 inches (607mm) at the leading edge. Treads shall have an unobstructed surface area of not less than 240 square inches (154838mm²) and an unobstructed horizontal depth of not less than 10 inches (254 mm) at the center line.

**ISPC Section 411.2.2; change to read as follows:*

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 except for the bottom riser, shall have a uniform height of not greater than 12 inches (305 mm) measured at the center line. The bottom riser height is allowed to vary to the floor.

**ISPC Section 411.5.1; 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

**ISPC Section 411.5.2; change to read as follows:*

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

CHAPTER 6 – AQUATIC RECREATION FACILITIES

ISPC SECTION 603 MARKINGS AND INDICATORS

**ISPC Section 603.2; change to read as follows:*

603.2 Class D-2 pools. Where a Class D-2 pool has a bather- accessible depth greater than 4 1/2 feet (1372 mm), the floor shall have a distinctive marking at the 4 1/2 feet (1372 mm) water depth. **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**

ISPC SECTION 610 SPECIAL FEATURES

**ISPC Section 610.5.1; Change to read:*

610.5.1 Uniform height of 9-10 inches. Except for the bottom riser, risers at the centerline shall have a maximum uniform height of 9-10 inches (229-254 mm). The bottom riser height shall be permitted to vary from the other risers.

CHAPTER 8 – PERMANENT INGROUND RESIDENTIAL SWIMMING POOLS

ISPSC SECTION 804 DIVING WATER ENVELOPES

**ISPSC Section 804; 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.

Section 7-442 of the Code of the City of Fort Worth (2015) is amended to read as follows:

Sec. 7-443. Effect of conflict with other ordinances.

This article shall be cumulative of all provisions of ordinances of the Code of the City of Fort Worth, Texas (2015), affecting Building Code provisions, as amended, and shall not repeal any of the provisions of such ordinances, except in those instances where provisions of such ordinances are in direct conflict with the provisions of this ordinance.

SECTION 5.

Section 7-444 of the Code of the City of Fort Worth (2015) is amended to read as follows:

Sec. 7-444. Penalty for violation.

Any person, firm, or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine not to exceed Two Thousand Dollars (\$2,000.00) for all violations involving fire safety, or public health and sanitation and shall be fined not more than Five Hundred Dollars (\$500.00) for all other violations of this ordinance. Each day or any portion thereof during which any violation of this ordinance occurs or continues shall be deemed a separate offense and upon conviction thereof shall be punishable as herein provided.

SECTION 6.

This ordinance shall be cumulative of all other ordinances of the Code of the City of Fort Worth, Texas (2015), affecting Chapter 7: Buildings provisions, as amended, and shall not repeal any of the provisions of such ordinances, except in those instances where provisions of such ordinances are in direct conflict with the provisions of this ordinance.

SECTION 7.

It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this ordinance are severable, and, if any phrase, clause, sentence, paragraph, or section of this ordinance shall be declared void, ineffective, or unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such voidness, ineffectiveness, or 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 void, ineffective, or unconstitutional phrase, clause, sentence, paragraph, or section.

SECTION 8.

Any person, firm, or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine not to exceed Two Thousand Dollars (\$2,000.00) for all violations involving fire safety, or public health and sanitation and shall be fined not more than Five Hundred Dollars (\$500.00) for all other violations of this ordinance. Each day or any portion thereof during which any violation of this ordinance occurs or continues shall be deemed a separate offense and upon conviction thereof shall be punishable as herein provided.

SECTION 9.

All rights and remedies of the City of Fort Worth, Texas are expressly saved as to any and all violations of the previous Chapter 7: Buildings, or any other ordinances affecting construction and fire safety, which 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 10.

A copy of the 2018 International Swimming Pool and Spa Code, together with the local amendments contained in this ordinance, shall be filed in the office of the City Secretary for permanent record and inspection.

SECTION 11.

The Development Services Department of the City of Fort Worth, Texas, is hereby authorized to publish this ordinance in pamphlet form for general distribution among the public, and the operative provisions of this ordinance as so published shall be admissible in evidence in all courts without further proof than the production thereof, as provided in Chapter XXV, Section 3, of the Charter of the City of Fort Worth, Texas.

SECTION 12.

The City Secretary of the City of Fort Worth, is hereby directed to publish the caption and Sections 1, 9, 11, 13 and 14 of this ordinance for two (2) days in the official newspaper of the City of Fort Worth, Texas as authorized by Section 2, Chapter XXV of the Charter of the City of Fort Worth, Texas and by Section 52.013 (a) of the Texas Local Government Code.

SECTION 13.

This ordinance shall take effect upon September 1, 2020.

APPROVED AS TO FORM AND LEGALITY:

By: _____
Melinda Ramos, Sr. Assistant City Attorney Mary Kayser, City Secretary

Adopted: _____

Effective: _____