

ORDINANCE NO. 2024-O-054

AN ORDINANCE AMENDING CHAPTER 5, ARTICLE VII OF THE CODE ORDINANCES OF THE CITY OF ATHENS, TEXAS, BY ADOPTING THE 2021 INTERNATIONAL SWIMMING POOL AND SPA CODE WITH AMENDMENTS, PROVIDING A REPEALER CLAUSE, A SEVERABILITY CLAUSE, AND AN EFFECTIVE DATE.

WHEREAS, the City of Athens seeks to regulate and govern the conditions and maintenance of all property, buildings, and structures in order to ensure that such structures within the corporate boundaries of the city are safe, sanitary, and fit for occupation and use;

WHEREAS, the City of Athens desires to update the adopted swimming pool and spa code to reflect current standards of practice within the building and construction industry;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ATHENS, TEXAS

Section 1. Chapter 5, Article VII, Section 5-70 of the Code of Ordinances of the City of Athens is hereby amended as follows. For clarity, new text shown in italics. Deleted text is shown stricken through.

There is hereby adopted the ~~2015~~ 2021 International Swimming Pool and Spa Code regulating and governing the design, construction, alteration, movement, renovation, replacement, repair and maintenance of swimming pools, spas, hot tubs, aquatic facilities and related equipment in the City of Athens; providing for the issuance of permits and collection of fees therefor, repealing all ordinances of the City of Athens or parts of laws in conflict therewith. Amendments to the ~~2015~~ 2021 International Swimming Pool and Spa Code are hereby adopted as shown in ~~Appendix B of the City of Athens Code of Ordinances~~ *within this article*. If any conflict exists between or among any of the codes, standards or any other ordinance of the city, then the most restrictive code, standard or ordinance shall apply, and the city shall have the authority to resolve such conflict or disputes.

Section 2. Chapter 5, Article VII, Section 5-71 of the Code of Ordinances of the City of Athens is hereby adopted as follows. For clarity, new text is shown in italics.

Sec. 5-71. – Amendments to the 2021 International Swimming Pool and Spa Code

The following sections of the 2021 International Swimming Pool and Spa Code (ISPSC) are hereby amended as follows: Underlined type is text inserted. ~~Lined through type is text deleted from the IMC.~~

a) 101.1 Title. *These regulations shall be known as the Mechanical Code of ~~[NAME OF JURISDICTION]~~ the City of Athens, hereinafter referred to as “this code”.*

- b) 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.

- c) 103.1 Creation of agency. The ~~{NAME OF DEPARTMENT}~~ Department of Development Services... {remainder of text unchanged}.
- d) ~~SECTION 112 BOARD OF APPEALS~~ {delete entire section}
- e) 113.4 Violation penalties. Persons 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 mechanical work 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 may be punishable for each day of the violation set forth by the authority having jurisdiction, shall be guilty of [SPECIFY OFFENSE], punishable by a fine 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.
- f) 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.
- g) 305.2.7.1 Chain link fence prohibited. Chain link fencing is not permitted as a barrier in public pools built after January 1, 1994.
- h) 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...{remainder of text is unchanged}

- i) 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.
- j) 307.1.4 Accessibility. {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.
- k) 307.2.2.2 Adjacency to Structural Foundation. Depth of the swimming pool and spa shall maintain a ratio of 1:1 from the nearest building foundation or footing of a retaining wall.
Exception: A sealed engineered design drawing of the proposed new structure shall be submitted for approval.
- l) 310.1 General. Suction entrapment avoidance for pools and spas shall be provided in accordance with APSP 7 (ANSI/PHTA/ICC 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}
- m) 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). (Delete Table 402.12 and Figure 402.12). {delete Table 402.12 and Figure 402.12}
- n) 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.
- o) 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.
- p) 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 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.

- q) 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 shall be a slip-resistant surface.
 6. {remainder of text unchanged}
- r) 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.
- s) 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 3. Should any clause, phrase, sentence section of this Ordinance be deemed invalid or unconstitutional by a court of competent jurisdiction, said finding shall not affect the remaining clauses, phrases, sentences or sections of this Ordinance.

Section 4. Any ordinance, resolution or order previously passed and/or adopted by the City Council, or any part thereof, if found to be in conflict with the provisions of this Ordinance, shall be resolved in favor of the terms and conditions of this Ordinance, and any prior conflicting ordinance, resolution or order or any part thereof, is hereby repealed to the extent of said conflict.

Section 5. This ordinance shall be and become effective from and after its adoption and publication in accordance with the provisions of the Charter of the City of Athens, Texas.

FIRST READING on the 11th day of March 2024 at a regular meeting of the City Council of the City of Athens, Texas.

PASSED, APPROVED and ADOPTED this the **25th** day of **March 2024** at a regular meeting of the City Council of the City of Athens, Texas, with the following record vote:

Aaron Smith, Mayor	Aye
SyTanna Freeman, Councilmember	Aye
Mark Carroll, Councilmember	Aye

Cody Craig, Councilmember	Aye
Bryan Barker, Councilmember	Aye

Voted in favor of the motion	5
Voted against the motion	0
Motion carried	5-0

Aaron Smith, Mayor

ATTEST:

Bonnie Hambrick, City Secretary