

**TOWN OF LAKEWOOD VILLAGE
SWIMMING POOL CODE 21-12**

**AN ORDINANCE TO ADOPT THE 2018 INTERNATIONAL
SWIMMING POOL AND SPA CODE, WITHIN THE TOWN OF
LAKEWOOD VILLAGE; PROVIDING A
SAVINGS/REPEALING CLAUSE, PROVIDING A PENALTY
CLAUSE, PROVIDING A SEVERABILITY CLAUSE,
PROVIDING AN EFFECTIVE DATE.**

WHEREAS, the Town Council of the Town of Lakewood Village, Texas ("Town Council") has investigated and determined that it would be advantageous and beneficial to the citizens of the Town of Lakewood Village, Texas to adopt the 2018 Edition of the International Swimming Pool and Spa Code, save and except the deletions and amendments set forth below.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF LAKEWOOD VILLAGE, TEXAS, THAT:

Section 1: Findings

The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

Section 2: Adoption of the 2018 International Swimming Pool and Spa Code

The International Swimming Pool and Spa Code, 2018 Edition, copyrighted by the International Code Council, Inc., save and except the deletions and amendments set forth in Exhibit "A", attached hereto and incorporated herein for all purposes, is hereby adopted as the Residential code for Lakewood Village, regulating the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, removal, and demolition of detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories in height with a separate means of egress and related accessory structures in Lakewood Village (the "2018 International Swimming Pool and Spa Code"). The 2018 International Swimming Pool and Spa Code is made a part of this Ordinance as if fully set forth herein.

Section 3: Repeal

Appendix G of Residential Code 16-11 ordinance is hereby repealed in its entirety.

Section 4: Penalty Clause

A. Violation

A person who knowingly violates any provision of this chapter is guilty of separate offenses for each day during which the violation is continued after notification. Neither allegation nor evidence of a culpable mental state is required for the proof of an offense defined by this ordinance.

B. Fine

Each offense is punishable by a fine of not more than two-thousand (\$2,000) nor less than two-hundred (\$200). The minimum fine established in this paragraph shall be doubled for the second conviction of the same offense within any 24-month period and tripled for the third and subsequent convictions of the same offense within any 24-month period. At no time shall the minimum fine exceed the maximum fine established in this paragraph.

Section 5: Legal Rights

The penal provision imposed under this Ordinance shall not preclude the Town of Lakewood Village from filing suit to enjoin the violation. The Town of Lakewood Village retains all legal rights and remedies available to it pursuant to local, state, and federal law.

Section 6: Severability

A. Unconstitutional or Invalid Section

Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect.

B. Independent Sections

The Town hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses and/or phrases be declared unconstitutional or invalid.

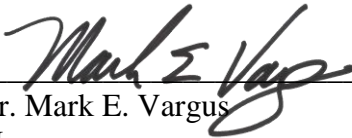
Section 7: Estoppel / Waiver

The failure of the Town to enforce any term or condition of this Ordinance shall not constitute a waiver or estoppel or any subsequent violation of this Ordinance.

Section 8: Effective Date

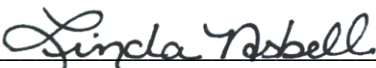
The amendments to this Ordinance shall become effective from and after its date of passage and publication as provided by law.

PASSED AND APPROVED by the Town Council of the Town of Lakewood Village, Texas this the 10th day of June, 2021.



Dr. Mark E. Vargus
Mayor

ATTESTED:



Linda Asbell, TRMC, CMC
Town Secretary



Exhibit A

Town of Lakewood Village Amendments

2018 International Swimming Pool and Spa Code



SWIMMING POOL & SPA CODE

Adopted: June 10th, 2021

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CHAPTER 1. SCOPE AND ADMINISTRATION

The following additions, deletions and amendments to the 2018 International Swimming Pool and Spa Code adopted herein and hereby approved and adopted.

101 General

General of the 2018 International Swimming Pool and Spa Code is amended as follows:

[A] 101.1 Title

These regulations shall be known as the Swimming Pool and Spa Code of The Town of Lakewood Village hereinafter referred to as "this code."

102 Applicability

Applicability of the 2018 International Swimming Pool and Spa Code is amended as follows:

[A] 102.7 Referenced Codes and Standards

The codes, when specifically adopted by the Town of Lakewood Village, and standards referenced in this code shall be those listed in Chapter 11 and such codes and standard shall be considered to be part of the requirements of this code to the prescribed extent of each such reference. ~~Where differences occur between provisions of this code and the referenced standards, the provisions of this code shall be the minimum requirements.~~ Whenever amendments have been adopted to the referenced codes and standards, each reference to said code and standard shall be considered to reference the amendments as well. Where differences occur between provisions of this code and referenced codes and standards, the provisions of this code shall apply. Any reference made to NFPA 70 or the ICC Electrical Code shall mean the Electrical Code as adopted. Where requirements in this code conflict with any requirements of other adopted codes by the Town of Lakewood Village the most stringent requirements shall apply.

Exception

Where enforcement of a code provision would violate the conditions of the *listing* of the *equipment* or *appliance*, the conditions of the *listing* and manufacturer's instructions shall apply.

103 Department of Building Safety

[A] 103.2 Appointment

The building official shall be appointed by the Town Council of the Town of Lakewood Village, TX.

Pool / Spa Procedures

The Town Council may from time to time amend, supplement or change the text of the Pool / Spa Procedures.

105 Permits

Permits of the 2018 International Swimming Pool and Spa Code is amended as follows:

[A] 1.5.6.2 Fee Schedule

The fees for work shall be as indicated in the following schedule:

The fees associated with the required permits, inspections and re-inspections are established in the Town's Consolidated Fee Ordinance.

[A] 1.5.6.3 Fee Refunds

The refund policy is established in the Town's Consolidated Fee Ordinance.

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 PERCENTATE] 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 Violations

Violations of the 2018 International Swimming Pool and Spa Code is amended as follows:

[A] 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 guilty of a [SPECIFY OFFICES], 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

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 the violation or unsafe condition, shall be liable to a fine of not less than [AMOUNT] dollars or more than [AMOUNT] dollars.~~

108 Means of Appeal

Means of Appeal of the 2018 International Swimming Pool and Spa Code is amended as follows:

[A] 108.2 Membership of Board

~~The Town Council shall serve as the board of appeals. The board of appeals shall consist of five members appointed by the chief appoint authority as follows: one for 5 years, one for 4 years, one for 3 years, one for 2 years and one for 1 year. Thereafter, each new member shall serve for 5 years or until a successor has been appointed.~~

[A] 108.2.1 Qualifications, [A] 108.2.2 Alternate Members, [A] 108.2.3 Chairman, [A] 108.2.4 Disqualification of Member, [A] 108.2.5 Secretary & [A] 108.2.6 Compensation of Members

Delete sections in their entirety.

[A] 108.3 Notice of Meeting

~~Appeals shall be heard at regular Town Council meetings in accordance with Local Government Codes. The board shall meet upon notice from the chairman, within 10 days of the filing of an appeal or stated periodic meetings.~~

CHAPTER 2. DEFINITIONS

The following additions to the 2018 International Swimming Pool and Spa Code adopted herein and hereby approved and adopted.

R202 Definitions

Definitions of the 2018 International Swimming Pool and Spa Code

Building Official: the officer or other designated authority charged with the administration and enforcement of this Code.

Construction Site Refuse Control: the containment of and weekly or monthly removal of both construction and laborer refuse to prevent said materials from encroaching onto adjacent homeowner properties, town easements, drainage ditches and culverts, and should be in compliance with OSHA and local codes.

Contractor: any person, firm, corporation, or other entity that is hired by a homeowner or landowner to perform any new construction, remodel, or repair on said homeowner or landowner's real property.

Erosion control: the containment of all dirt, soils, sand, fill or grass, in such a manner, to prevent said materials from encroaching onto adjacent properties, town easements, drainage culverts, or utility placements.

Masonry: brick, concrete hollow clay tile, concrete block, natural stone, or any combination of these materials that are laid up by unit and set in mortar.

Town: the Town of Lakewood Village

CHAPTER 3. GENERAL COMPLIANCE

The following additions and amendments to the 2018 International Swimming Pool and Spa Code adopted herein and hereby approved and adopted.

302 Electrical, Plumbing, Mechanical and Fuel Gas Requirements

Electrical, plumbing, mechanical and fuel gas requirements of the 2018 International Swimming Pool and Spa Code is amended as follows:

302.6 Wastewater Discharge

Wastewater from pools or spas constructed after the adoption of this ordinance shall be discharged into the storm sewer, or to a vegetated area contained on the same property as the pool once the water has been dechlorinated and the ph of the water is between 6 and 9.

Where wastewater from existing pools or spas, such as backwash water from filters and water from deck drains discharge to a building drainage system, the connection shall be through an air gap in accordance with the International Plumbing Code or the International Residential Code as applicable in accordance with Section 102.7.1.

305 Barrier Requirements

Barrier requirements of the 2018 International Swimming Pool and Spa Code is amended as follows:

305.2 Outdoor Swimming Pools and Spas

Outdoor pools and spas and indoor swimming pools, including an in-ground, above-ground or on-ground pool, hot tub or spa shall be surrounded by a barrier that complies with Sections 305.2 through 305.7.

305.4 Structure Wall as a Barrier

Where a wall of a dwelling or 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) Operable windows having a sill height of less than 48 inches (1219 mm) above the indoor finished floor and doors shall have an alarm that produces an audible warning when the window, door or their screens are opened. The alarm shall be listed and labeled as a water hazard entrance alarm in accordance with UL 2017. The alarm deactivation switches shall be located 54 inches (1372 mm) or more above the finished floor. ~~In dwellings or structures not required to be Accessible unites, Type A units or Type B unites, the operable parts of the alarm deactivation switches shall be located 54 inches (1372 mm) or more above the finished floor. In dwellings or structures required to be Accessible unites, Type A unites or Type B unites, the operable parts of the alarm deactivation switches shall be located not greater than 54 inches (1372 mm) and not less than 48 inches (1291 mm) above the finished floor.~~

Remainder is unchanged.

310 Suction Entrapment Avoidance

Suction entrapment avoidance of the 2018 International Swimming Pool and Spa Code is amended as follows:

310.1 General

Suction entrapment avoidance for pools and spas shall be provided in accordance with APSP 7. The use of single blockable or unblockable main drains shall not be permitted.

Exceptions unchanged

320 Waste Water Disposal

320.1 Backwash Water or Draining Water

Backwash water and draining water shall be discharged to the ~~sanitary or storm sewer, or to a vegetated area contained on the same property as the pool once the water has been dechlorinated and the ph of the water is between 6 and 9. into an approved disposal system on the premise, or shall be disposed of by other means approved by the state or local authority.~~ Direct connections shall not be made between the end of the backwash line and the disposal system. Drains shall discharge through an air gap.

320.3 Waste Post Treatment – Commercial or Public Pools

Where necessary, filter backwash water and drainage water shall be treated chemically or through the use of settling tanks to eliminate or neutralize chemicals, diatomaceous earth, and contaminants in the water that exceed the limits set by the state or local effluent discharge requirements.

CHAPTER 8. PERMANENT INGROUND RESIDENTIAL SWIMMING POOLS

The following additions and amendments to the 2018 International Swimming Pool and Spa Code adopted herein and hereby approved and adopted.

811 Safety Features

Safety features of the 2018 International Swimming Pool and Spa Code is amended as follows:

811.1 Rope and Float

In pools where the point of first slope break occurs, a rope and float assembly ~~may~~ shall be installed across the width of the pool. If a rope and float assembly is installed, the rope assembly shall be located not less than 1 foot (305mm) and not greater than 2 feet (610mm) towards the shallow side of the slop break. If a rope and float assembly is installed, rope anchoring devices shall be permanently attached to the pool wall, coping or deck. Rope ends shall attach to the rope anchor devices so that the rope ends can be disconnected from the rope anchor device.



End of Exhibit A

ADOPTION AND SUMMARY OF AMENDMENTS

| Ordinance Number | Date | Summary |
|------------------|---------------|--------------------|
| 21-12 | June 10, 2021 | • Initial adoption |