

AN ORDINANCE OF THE TOWN OF PROSPER, TEXAS, REPEALING EXISTING ARTICLE 3.16, "POOLS AND SPAS," OF THE CODE OF ORDINANCES OF THE TOWN OF PROSPER AND REPLACING IT WITH A NEW ARTICLE 3.16, "SWIMMING POOL AND SPA CODE"; ADOPTING THE 2021 EDITION OF THE INTERNATIONAL SWIMMING POOL AND SPA CODE, SAVE AND EXCEPT THE DELETIONS AND AMENDMENTS SET FORTH HEREIN; REGULATING THE CONSTRUCTION, ALTERATION, MOVEMENT, RENOVATION, REPLACEMENT, REPAIR, AND MAINTENANCE OF AQUATIC RECREATION FACILITIES, POOLS, AND SPAS; PROVIDING FOR A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; PROVIDING FOR REPEALING, SAVINGS, AND SEVERABILITY CLAUSES; PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.

WHEREAS, the Town Council of the Town of Prosper, Texas (the "Town Council"), has investigated and determined that it would be advantageous and beneficial to the citizens of Prosper to repeal existing Article 3.16, "Pools and Spas," of the Code of Ordinances and replace it with a new Article 3.16, "Swimming Pool and Spa Code"; and,

WHEREAS, the Town Council has also investigated and determined that it would be advantageous and beneficial to the citizens of Prosper to adopt the 2021 Edition of the International Swimming Pool and Spa Code, save and except the amendments and deletions set forth below.

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

SECTION 1

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

SECTION 2

Existing Article 3.16, "Pools and Spas," of the Code of Ordinances of the Town of Prosper Texas, is hereby repealed in its entirety and replace with a new Article 3.16, "Swimming Pools and Spas," to read as follows:

"ARTICLE 3.16. SWIMMING POOL AND SPA CODE

Sec. 3.16.001 Code Adopted; amendments

The International Swimming Pool and Spa Code, 2021 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 Swimming Pool and Spa Code for the Town, regulating the construction, alteration, movement, renovation, replacement, repair, and maintenance of aquatic recreation facilities, pools, and spas within the Town (the "2021 International Swimming Pool and Spa Code"). The 2021 International Swimming Pool and Spa Code is made a part of this Article as if fully set forth herein. A copy of the

International Swimming Pool and Spa Code, 2021 Edition, copyrighted by the International Code Council, Inc., is on file in the office of the Town Secretary of Prosper being marked and so designated as the 2021 International Swimming Pool and Spa Code.

Sec. 3.16.002 Location of Pools and Spas

Pools and spas located in Districts zoned as Agricultural, Single-Family, Townhome, and Two-Family shall be subject to the following restrictions:

1. Pools and Spas shall have a required minimum side yard setback of three feet (3').
2. Pools and spas shall have a required minimum backyard setback of three feet (3').
3. No pool or spa is allowed in the required front yard of any property.
4. Measurements for placement shall be taken from the edge of pool construction (back of beam), not the water's edge."

SECTION 3

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

SECTION 4

All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict; but such repeal shall not abate any pending prosecution from being commenced for any violation if occurring prior to the repeal of the Ordinance. Any remaining portions of said ordinances shall remain in full force and effect.

SECTION 5

Any person, firm, corporation, or business entity violating this Ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be subject to a fine not to exceed the sum of Five Hundred Dollars (\$500.00), and each and every day such violation shall continue shall constitute a separate offense.

SECTION 6

This Ordinance shall become effective on January 1, 2022, after its adoption and publication as required by law.

DULY PASSED, APPROVED, AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF PROSPER, TEXAS, ON THIS 23RD DAY OF NOVEMBER, 2021.

Ray Smith
Ray Smith, Mayor

ATTEST:

Michelle Lewis Sirlanni
Michelle Lewis Sirlanni, Town Secretary

APPROVED AS TO FORM AND LEGALITY:

Terrence S. Welch
Terrence S. Welch, Town Attorney



Ray Smith
Ray Smith, Mayor

ATTEST:

Michelle Lewis Sirianni
Michelle Lewis Sirianni, Town Secretary

APPROVED AS TO FORM AND LEGALITY:

Terrence S. Welch, Town Attorney



Exhibit A
TOWN OF PROSPER AMENDMENTS
2021 INTERNATIONAL SWIMMING POOL AND SPA CODE
The following additions, deletions, and amendments to the 2021 International Swimming Pool and Spa Code are hereby approved and adopted.

The following sections, paragraphs, and sentences of the *2021 International Swimming Pool and Spa Code* are hereby amended as follows: Standard type is the text from the ISPSC. Underlined type is text inserted. ~~Lined through type is deleted text from ISPSC.~~

Section R101.1 Title. These regulations shall be known as the Swimming Pool and Spa Code of the Town of Prosper hereinafter referred to as "this code."

Section 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 pools, 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.

113.4 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 ~~may be punishable for each day of the violation set forth by the authority having jurisdiction.~~, shall be guilty of a [**SPECIFY OFFENSE**], punishable by a fine of not more than [**AMOUNT**] dollars or by imprisonment not exceeding [**NUMBER OF DAYS**], or both such a fine and imprisonment. ~~Each day that a violation continues after due notice has been served shall be deemed a separate offense.~~

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.

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.

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

- 4. Remainder unchanged
- 5. Remainder unchanged

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.

Section 307.1.4 Accessibility; Add exception to section to 307.1.4 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.

Section 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.

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.

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)

ADD: 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 t.

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.

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.

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.

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

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.

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.

END