

**ORDINANCE NO. 2022-11**

**AN ORDINANCE OF THE TOWN OF SUNNYVALE, TEXAS, AMENDING CHAPTER 4 “BUILDING REGULATIONS” IN THE SUNNYVALE CODE OF ORDINANCES TO TRANSFER ARTICLE 4.10 “MINI-WAREHOUSES” TO 4.19 “MINI-WAREHOUSES” AND REDESIGNATE THE SECTIONS TO REFLECT THE CHANGE AND ADD ARTICLE 4.10 “SWIMMING POOL AND SPA CODE,” ADOPTING THE 2021 INTERNATIONAL SWIMMING POOL AND SPA CODE WITH LOCAL AMENDMENTS; PROVIDING A PENALTY OF NOT MORE THAN TWO THOUSAND AND NO/100 DOLLARS (\$2,000.00) FOR EACH OFFENSE AND A SEPARATE OFFENSE SHALL BE DEEMED COMMITTED EACH DAY DURING OR ON WHICH A VIOLATION OCCURS OR CONTINUES; PROVIDING FOR SAVINGS, SEVERABILITY AND AN EFFECTIVE DATE.**

**WHEREAS**, the Town Council of the Town of Sunnyvale, Texas has investigated and determined that it in the best interest of the health, safety, and welfare of the citizens of the Town of Sunnyvale, Texas to adopt the 2021 Edition of the Swimming Pool and Spa Code and the local amendments in this Ordinance.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF SUNNYVALE, TEXAS:**

**SECTION 1.** Recitals. That the recital set forth above is true and correct and is incorporated as if fully set forth herein.

**SECTION 2.** Transfer of Article 4.10 to 4.18. That Sunnyvale Code of Ordinances, Chapter 4 “Building Codes,” Article 4.10 “Mini-Warehouses” is hereby transferred in its entirety to Article 4.19 “Mini-Warehouses” and the sections redesignated to reflect the change.

**SECTION 3.** Amendment to Article 4.10. That Sunnyvale Code of Ordinances, Chapter 4 “Building Regulations,” is hereby amended by adding Article 4.10 “Swimming Pool and Spa Code” to read as follows:

**ARTICLE 4.10. – SWIMMING POOL AND SPA CODE**

**Sec. 4.10.001. – Adoption of Swimming Pool and Spa Code.**

For the purpose of providing minimum standards to safeguard life or limb, health, property and public welfare by regulating and controlling the design, construction, quality of all swimming pools and spas within the Town and certain equipment specifically regulated herein, the 2021 edition of the International Swimming Pool and Spa Code, as published by the International Code Council, a copy of which is on file in the office of the Town Secretary, is hereby adopted and designated as the Swimming Pool and Spa Code of the Town to the same extent as if such code

were copied verbatim in this Article. The title of this Article shall be the “Swimming Pool and Spa Code of the Town of Sunnyvale,” and it may be cited as such.

**Sec. 4.10.002. – Deletions, amendments and additions.**

The 2021 International Swimming Pool and Spa Code, as adopted in this article, is hereby modified by deletions, amendments and additions provided herein.

*(a) Section [A] 101.1 Title; the International Swimming Pool and Spa Code has been amended adding the Town’s name to read as follows:*

**[A] 101.1 Title.** These regulations shall be known as the Swimming Pool and Spa “Code” of the Town of Sunnyvale hereinafter referred to as “this code.”

*(b) Section [A]102.9 Other laws; the International Swimming Pool and Spa Code has been amended by adding a clarification to read as follows:*

**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*; §265.181 through §265.208.

*(c) Section [A]105.4.3 Expiration, the International Swimming Pool and Code has been amended to read as follows:*

**[A]105.4.3 Expiration.** Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within 180 days after its issuance, or if the work authorized on the site by such permit is suspended, abandoned or if no required inspections, as required in this code, have been scheduled by the permit applicant and performed by the building official, as required in this code, for a period of 180 days after the time the work is commenced. The building official is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.

*(d) Section [A]108.2 Schedule of permit fees; the International Swimming Pool and Spa Code has been amended by changing it to read as follows:*

**[A]108.2 Schedule of permit fees.** On buildings, swimming pool and spa 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. The fee for each permit as required in Appendix A Fee Schedule of the Code of Ordinances.

*(e) Section [A] 111 Means of appeal; the International Swimming Pool and Spa Code has been changed in its entirety to read as follows:*

**[A] 111 Means of appeal.** The board of appeals shall be as established in the Town’s most current adopted Building Code as prescribed in the Code of Ordinances.

*(f) Section [A] 113.4 Violation penalties; the International Swimming Pool and Spa Code has been amended to read as follows:*

**[A] 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 swimming pool and spa 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, shall be guilty of a violation of this code, punishable by a fine as specified in this code. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

Any person, firm or corporation violating any of the provisions of this code shall be subject to a fine, upon conviction in the municipal court, in any sum not to exceed one thousand dollars (\$2,000.00) per day and each and every day of continuance thereof shall constitute a distinct and separate offense. The owner or owners of any building or structure failing to comply with any provisions of this code, and the owner or owners of any premises wherein a violation of the provisions of this code occurs, and any architect, engineer, designer, builder, contractor, agent, person, firm, or corporation employed therewith and who has assisted in the commission of any such violation, shall be guilty of a separate offense.

*(g) Section [A] 114.1 Authority; the International Swimming Pool and Spa Code has been amended by amending it to read as follows:*

**[A] 114.1 Authority.** Upon notice from the code official that swimming pool and spa work is being performed contrary to the provisions of this code or in a dangerous or unsafe manner, such work 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 doing 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 on the system after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to penalties as prescribed by law.

*(h) Section 305.2.7 Chain link dimensions; the International Swimming Pool and Spa Code has been amended by adding an exception to coordinate the requirements of the Texas Health and Safety Code Chapter 757.003 (f), limiting the use of chain link fencing as a pool barrier to read as follows:*

**305.2.7 Chain link dimensions.** The maximum opening formed by a chain link fence shall be not more than 1-3/4 inches (44 mm). Where the fence is provided with slats fastened at the top and bottom that reduce the openings, such openings shall be not greater than 13/4 inches (44 mm).

**Exception:** Pools of a multiunit rental complex and or pools owned by a homeowner’s association, as specified in the *Texas Health and Safety Code Chapter 757.003 (f)*, the installation of a chain link fencing is not permitted as a barrier if built after January 1, 1994.

*(i) Section 305.4 Structure wall as a barrier; of the International Swimming Pool and Spa Code has been amended to read as follows:*

**Section 305.4 Structure wall as a barrier.** Where a wall of a dwelling or structure of a one-and two -family dwelling or townhouses or its accessory structure serves as part of the barrier and where doors, gates 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 (1,219 mm) above the indoor finished floor, door and gates 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.
2. In dwellings not required to be Accessible units, Type A units or Type B units, the operable parts of the alarm deactivation switches shall be located at not less than 54 inches (1,372 mm) above the finished floor.
3. In dwellings that are required to be Accessible units, Type A units or Type B units, the operable parts of the alarm deactivation switches shall be located not greater than 54 inches (1,372 mm) and not less than 48 inches (1,219 mm) above the finished floor.
4. In structures other than dwellings, the operable parts of the alarm deactivation switches shall be located not greater than 54 inches (1,372 mm) and not less than 48 inches (1,220 mm) above the finished floor.
5. A *safety cover* that is *listed* and *labeled* in accordance with ASTM F1346 is installed for the pools and spas.
6. An *approved* means of protection, such as self-closing doors with self-latching devices, is provided. Such means of protection shall provide a degree of protection that is not less than the protection afforded by Item 1 or 2.

*(j) Section 3.07.2.2 Materials and structural design; of the International Swimming Pool and Spa Code has been amended to add subsection 307.2.2.2 Adjacency to Structural Foundation to read as follows:*

**Section 3.07.2.2.2 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.

(k) **Section 310.1 General;** of the International Swimming Pool and Spa Code has been amended to read as follows:

**Section 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 pools and spas, Title 25 TAC Chapter 265 Subchapter L, Rule 268.190.

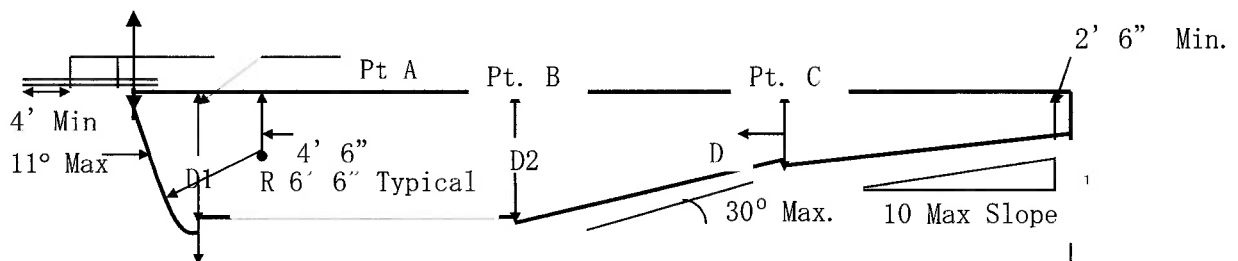
(l) **Section 402.12 Water envelopes;** of the International Swimming Pool and Spa Code has been amended to read as follows:

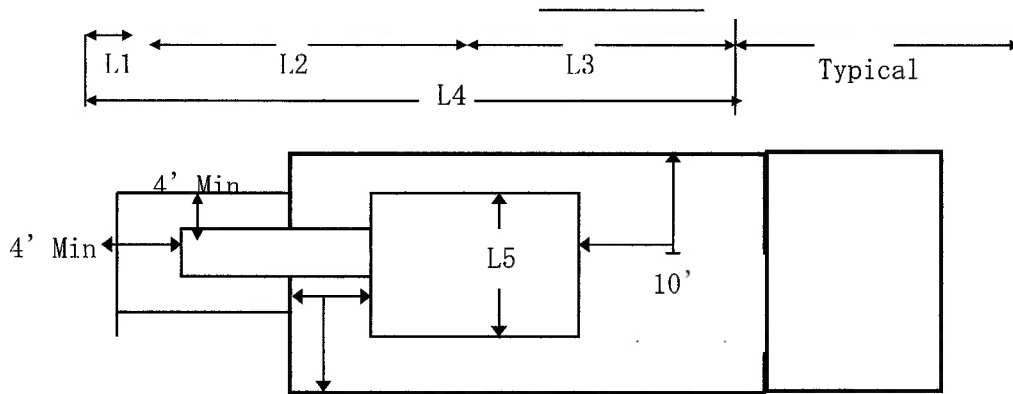
**402.12 Section 402.12 Water Envelopes.** The minimum diving water envelopes shall be in accordance with Texas department of State Health services, Administrative Code Title 25, Chapter 265, Section 186 (e) and Figure: 25 TAC 256.186 (e) (6).

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)





(m) *Section 411.2.1 Tread dimensions and area; of the International Swimming Pool and Spa Code has been amended to read as follows:*

**Section 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.

(n) *Section 411.2.2 Risers; of the International Swimming Pool and Spa Cod has been amended to read as follows:*

**Section 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.

(o) *Section 411.5.1 Swimouts; the International Swimming Pool and Spa Code has been amended by expanding item #4 to coordinate the requirements of the Texas Department of Health and Services Standards for Public Pools and Spas requirements, adding identification stripe, to read as follows:*

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

1. The horizontal surface shall be not greater than 20 inches (508 mm) below the waterline.
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 visibly set apart.
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.

*(p) Section 411.5.2 Underwater seats and benches; the International Swimming Pool and Spa Code has been amended by expanding item #5 to coordinate the requirements of the Texas Department of Health and Services Standards for Public Pools and Spas requirements, adding identification stripe, 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 the following:

1. The horizontal surface shall be not greater than 20 inches (508 mm) below the waterline.
2. An unobstructed surface shall be provided that is not less than 10 inches (254 mm) in depth and not less than 24 inches (607 mm) in width.
3. Underwater seats and benches shall not be used as the required entry and exit access.
4. Where underwater seats are in the deep area of the pool where manufactured or constructed diving equipment is installed, such seats shall be located outside of the minimum diving water envelope for diving equipment.
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. The horizontal surface shall be at or below the waterline.
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 waterline.

*(q) Section 610.5.1 Uniform height of 9 inches; of the International Swimming Pool and Spa Code has been amended to read as follows:*

**Section 310.5.1 Uniform heights of 10 inches.** Except for the bottom riser, risers at the centerline shall have a maximum height of 10 inches (254 mm). The bottom riser height shall be permitted to vary from the other risers.

**SECTION 3. Penalty Provision.** Any person, firm, corporation or business entity violating this Ordinance shall be deemed guilty of a misdemeanor, and upon conviction therefore, shall be fined a sum not to exceed two thousand dollars (\$2,000.00) per day, and each and every day that such violation continues shall be considered a separate offense; provided, however, that such penal

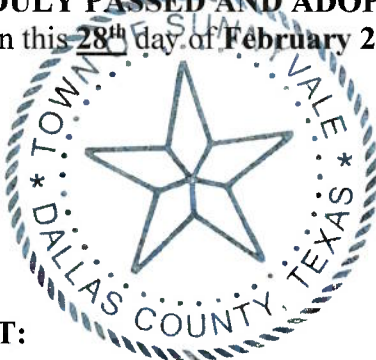
provision shall not preclude a suit to enjoin such violation. Sunnyvale retains all legal rights and remedies available to it pursuant to local, state, and federal law.

**SECTION 4. Savings/Repealing Clause.** 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 for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portion of conflicting ordinances shall remain in full force and effect.


**SECTION 5. Severability.** If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason, held to be unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. Sunnyvale 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 phrases be declared unconstitutional.

**SECTION 6. Effective Date.** This Ordinance shall become effective **May 1, 2022**.

**DULY PASSED AND ADOPTED** by the Town Council of the Town of Sunnyvale, Texas, on this **28<sup>th</sup>** day of **February 2022**.



**TOWN OF SUNNYVALE, TEXAS**

  
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Saji George, Mayor

**ATTEST:**

  
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Rachel Ramsey, Town Secretary