

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FRISCO, TEXAS, REPEALING ORDINANCE NO. 19-11-104; AMENDING DIVISION 14 (RESIDENTIAL SWIMMING POOL AND SPA CODE), ARTICLE IV (TECHNICAL CODES), CHAPTER 18 (BUILDINGS AND BUILDING REGULATIONS), PART II OF THE FRISCO CODE OF ORDINANCES, ORDINANCE NO. 06-03-31, AS AMENDED, ADOPTING THE 2021 EDITION OF THE INTERNATIONAL SWIMMING POOL AND SPA CODE, SAVE AND EXCEPT THE DELETIONS AND ADDITIONS SET FORTH HEREIN; REGULATING THE CONSTRUCTION, ALTERATION, MOVEMENT, RENOVATION, REPLACEMENT, REPAIR AND MAINTENANCE OF RESIDENTIAL POOLS AND SPAS INSTALLED IN OR ON THE LOT OF A ONE- OR TWO-FAMILY DWELLING WITHIN THE CITY OF FRISCO, TEXAS; PROVIDING FOR A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; PROVIDING A PENALTY CLAUSE, SAVINGS/REPEALING CLAUSE, SEVERABILITY CLAUSE AND AN EFFECTIVE DATE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.

WHEREAS, the City Council of the City of Frisco, Texas ("City Council") has investigated and determined that it would be advantageous, beneficial and in the best interest of the citizens of the City of Frisco, Texas ("Frisco") to amend Division 14 (Residential Swimming Pool and Spa Code), Article IV (Technical Codes), Chapter 18 (Buildings and Building Regulations), Part II of the Frisco Code of Ordinances, Ordinance No. 06-03-31, as amended ("Code of Ordinances"), by adopting the 2021 Edition of the International Swimming Pool and Spa Code, save and except the deletions and additions set forth below; and

WHEREAS, the City Council has investigated and determined that in order to most effectively make the deletions and additions necessary to Division 14 (Residential Swimming Pool and Spa Code), Article IV (Technical Codes), Chapter 18 (Buildings and Building Regulations), Part II of the Frisco Code of Ordinances, it is in the best interest of the citizens of Frisco to repeal, in their entirety, Ordinance No. 19-11-104, replacing, except as otherwise provided herein, the same with this Ordinance, adopting the 2021 Edition of the International Swimming Pool and Spa Code, save and except the deletions and additions set forth below.

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

SECTION 1: Findings Incorporated. The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

SECTION 2: Repeal of Ordinance No. 19-11-104. Ordinance No. 19-11-104 is hereby repealed, in their entirety, and replaced by this Ordinance. The effective date of the repeal discussed in this Section shall not occur until the effective date of this Ordinance at which time Ordinance No. 19-11-104 shall be repealed. Such repeal shall not abate any pending prosecution

and/or lawsuit or prevent any prosecution and/or lawsuit from being commenced for any violation of Ordinance No. 19-11-104 occurring before the effective date of this Ordinance.

SECTION 3: Amendment to Division 14 (Residential Swimming Pool and Spa Code), Article IV (Technical Codes), Chapter 18 (Buildings and Building Regulations), Part II of the Frisco Code of Ordinances. Division 14 (Residential Swimming Pool and Spa Code), Article IV (Technical Codes), Chapter 18 (Buildings and Building Regulations), Part II of the Frisco Code of Ordinances is hereby amended for the sole purpose of adopting new residential swimming pool and spa code regulations as set forth in the International Swimming Pool and Spa Code, copyrighted by the International Code Council, Inc., save and except the deletions and additions set forth in Exhibit A, attached hereto and incorporated herein for all purposes, regulating the construction, alteration, movement, renovation, replacement, repair and maintenance of residential pools and spas installed in or on the lot of a one- or two-family dwelling within Frisco ("2021 International Swimming Pool and Spa Code"). The 2021 International Swimming Pool and Spa Code is made a part of this Ordinance as if fully set forth herein. Three (3) copies of the 2021 International Swimming Pool and Spa Code are on file in the office of the City Secretary of Frisco being marked and designated as the 2021 International Swimming Pool and Spa Code. The deletions and additions set forth in Exhibit A are located on Frisco's website under Development Services.

SECTION 4: Savings/Repealing. 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: 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 exceeding TWO THOUSAND AND NO/100 DOLLARS (\$2,000.00), 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. Frisco retains all legal rights and remedies available to it pursuant to local, state and federal law.

SECTION 6: Severability. Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional and/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. Frisco hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof, regardless of whether any one or more sections, subsections, sentences, clauses or phrases is declared unconstitutional and/or invalid.

SECTION 7: Effective Date. This Ordinance shall become effective upon its passage and publication as required by the City Charter and by law.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF
FRISCO, TEXAS, on this 15th day of November, 2022.



Jeff Cheney
Jeff Cheney, Mayor

ATTESTED AND CORRECTLY
RECORDED:

Kristi Morrow
Kristi Morrow, City Secretary

APPROVED AS TO FORM:

Aliceson Cotton
Abernathy, Roeder, Boyd & Hullett, P.C.
Aliceson Cotton, City Attorneys

Dates of Publication: November 20, 2022 and November 27, 2022 *Frisco Enterprise*

**CITY OF FRISCO DELETIONS/ADDITIONS
2021 INTERNATIONAL SWIMMING POOL AND SPA CODE¹**

The following deletions and additions to the 2021 International Swimming Pool and Spa Code are hereby approved and adopted (deletions are evidenced by ~~strike through~~ and additions are evidenced by underline)²:

Chapter 1. Scope and Administration of the 2021 International Swimming Pool and Spa Code is amended as follows:

Section 101 Scope and General Requirements of the 2021 International Swimming Pool and Spa Code is amended as follows:

101.2 Scope. The provisions of this code shall apply to the construction, alteration, movement, renovation, replacement, repair and maintenance of ~~aquatic recreation facilities; residential~~ pools and spas installed in or on the lot of a one- or two-family dwelling. The pools and spas covered by this code are either permanent or temporary, and shall be only those that are designed and manufactured to be connected to a circulation system and that are intended for swimming, bathing or wading. Any reference to public or semi-public pools or spas shall be enforced by the Texas Department of State Health Services (TDSHS); Standards for Public Pools and Spas §285.181 through §285.208.

102.7 Referenced codes and standards. The codes and standards referenced in this code shall be those that are listed in Chapter 11 and such codes and standards shall be considered to be part of the requirements of this code to the prescribed extent of each such reference. Whenever amendments have been adopted to the referenced codes and standards, each reference to said code and standard shall be considered to reference the adopted amendments.

~~**Section 103 Code compliance agency.** is deleted in its entirety.~~

Section 108 Fees of the 2021 International Swimming Pool and Spa Code is amended as follows:

108.2 Schedule of permit fees. ~~Where work requires 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 fees for work shall be as established in Frisco's Comprehensive Master Fees Ordinance, as amended.

¹ Unless otherwise expressly provided herein, all phrases, words and terms used herein shall have the same meaning ascribed to the same in the 2021 International Building Code (regardless of whether such phrases, words and terms are italicized herein).

² Other italicized and bold notations are provided throughout for informational purposes only. By way of example only, "[*Paragraph remains unchanged.*]"

108.6 Refunds. ~~The code building official is authorized to establish a refund policy, may authorize the refunding of any fee paid hereunder which was erroneously paid or collected.~~

The building official may authorize a refund not to exceed eighty percent (80%) of the permit fee paid when no work has been done under a permit issued in accordance with this code.

The building official may authorize a refund not to exceed eighty percent (80%) of the plan review fee paid when an application for a permit for which plan review fee has been paid is withdrawn or canceled before any plan reviewing is done.

The building official may not authorize the refunding of any fee paid except upon written request filed by the original permittee not later than 180 days after the date of the fee payment.

Section 111 Means of appeal of the 2021 International Swimming Pool and Spa Code is deleted in its entirety and replaced with the following:

111 Means of appeal. The Board of Construction Appeals, created by the City of Frisco, as it currently exists or may be amended, will serve as the means of appeal.

Section 112 Board of appeal of the 2021 International Swimming Pool and Spa Code is deleted in its entirety.

Section 113 Violations of the 2021 International Swimming Pool and Spa Code is amended as follows:

113.4 Violation penalties Delete entirely

Chapter 3. General compliance of the 2021 International Swimming Pool and Spa Code is amended as follows:

Section 305 Barrier requirements of the 2021 International Swimming Pool and Spa Code is amended 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.

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 305.2.1 through 305.7.

~~**305.2.7 Chain-link dimensions.** is deleted in its entirety.~~

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, 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 (1219 mm) above the indoor finished floor, doors 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. The alarm deactivation switches shall be located 54 inches (1372 mm) or more above the finished floor.
2. ~~In dwellings or structures not required to be Accessible units, Type A units or Type B units, the operable parts of the alarm deactivation switches shall be located 54 inches (1372 mm) or more above the finished floor.~~
3. ~~In dwellings or structures 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 (1372 mm) and not less than 48 inches (1219 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 (1372 mm) and not less than 48 inches (1220 mm) above the finished floor.

Remainder unchanged

Section 307 General Design of the 2021 International Swimming Pool and Spa Code is amended as follows:

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.

Section 310 Suction Entrapment Avoidance of the 2021 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 (ANSI/PHTA/ICC 7). The use of single blockable or unblockable main drains shall not be permitted.

Exceptions unchanged

Chapter 4. Public Swimming Pools of the 2021 International Swimming Pool and Spa Code is amended as follows: *Delete this Chapter in its entirety*

Chapter 5. Public Spas and Public Exercise Spas of the 2021 International Swimming Pool and Spa Code is amended as follows: *Delete this Chapter in its entirety*

Chapter 6. Aquatic Recreation Facilities of the 2021 International Swimming Pool and Spa Code is amended as follows: *Delete this Chapter in its entirety*

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