

Part I
Article A
Administration

1.1 Building Inspection Permits Required

No person may construct or modify a swimming pool or spa in the City without obtaining a building permit. The application for a building permit must be on a form provided by the Building Official and must be accompanied by the required fee and specified number of copies of the plan for which the applicant seeks approval. The Health Authority or the Building Official may require the submission of other necessary plans, specifications and data including capacity, rate of filtration, skimming devices, and facilities for draining. No building permit shall be issued by the Building Official to a public or restricted access pool or spa unless it is approved by the Health Authority. The criteria to be followed by building inspection and the Health Authority in the review and approval of plans shall be made known as rules and regulations as authorized by this chapter. Plans and specifications for all public and restricted access pools and spas shall at a minimum comply with Title 25, Chapter 265, Subchapter L of the Texas Administrative Code, "Standards for Public Pools and Spas", except that where such standards are less restrictive than the standards of this Code, or any other provision of the Abilene Code of Ordinances, said Code will govern in all cases. If the Building Official and the Health Authority are satisfied that the public or restricted access pool or spa has been constructed to conform in all respects to the requirements of the law, a certificate of occupancy shall be issued by the Building Official to the applicant.

1.2 Inspections required.

All in-ground swimming pool, or spa, or aboveground swimming pool installations or alterations thereto, including equipment, piping, and appliances related thereto, shall be inspected to insure compliance with all requirements of this Code as follows:

- (1) Steel inspections.
- (2) Grounding and related electrical inspections per the City of Abilene Electrical Code.
- (3) Water or sewer connections.
- (4) Forming and steel inspection for decks.
- (5) Steps, ladders and diving boards.
- (6) Pool equipment and pool construction materials.
- (7) Fencing and gates.
- (8) Final inspections.

1.3 Plans, Permits and Instructions.

Upon completion of construction, the owner shall obtain from the pool or spa builder complete written operational instructions for the pool or spa. Written instructions shall include items such as procedures for filtration (clean filter pressures, normal operating pressures, and pressure differentials that indicate the need for filter cleaning),

backwash, cleaning, and operation of all chemical feed devices and general maintenance of pool or spa. In addition, the following are required:

- (a) labeling of valves;
- (b) labeling of exposed piping.

2.1 License Required; Exceptions; Term; Renewal.

(a) The design, installation, construction, alteration or modification of swimming pools, aboveground pools, and spa systems shall require a City swimming pool contractor's license. Exceptions to this shall be:

(1) A homeowner who installs a pool or spa accessory to a single-family dwelling in which he/she resides and owns, provided he/she signs an affidavit acknowledging swimming pool/spa minimum requirements, and verifies that the work will be performed by the owner. The affidavit shall be on a form provided by the building inspection department.

(2) Pools or spas designed by an architect or engineer licensed by the State of Texas.

(3) Swimming pool and spa maintenance/service work, as defined in Article XVI.

(b) A license holder is required to notify the City in writing within thirty (30) days of any change in mailing address, change of location, or business affiliation. The mailing address on file with the City shall be considered the contractor's primary place of business, for the purpose of all correspondence, including license expiration notice from the department.

(c) Each license shall expire on December 31st of each year.

(d) A license holder is responsible for the timely filing of the renewal application.

(e) A license that has expired for a period of not more than thirty (30) days may be renewed by submitting the renewal application and payment of the renewal fee, and an additional late penalty fee as set by the City Council. If the license has expired for a period of more than thirty (30) days, but less than twelve (12) months, the penalty fee shall be assessed at two times the amount. If the license has expired for a period of more than twelve (12) months, that license may not be renewed. The former license holder may obtain a new license in the same manner as a new applicant, as set forth in Section 2.2 of this article.

(f) A licensed swimming pool contractor may elect, at the time of renewal, to obtain an "inactive" license. Inactive status prohibits the swimming pool contractor from engaging in the business of constructing or altering pools or spas. An inactive license may only be renewed upon expiration of the inactive license and payment of the appropriate fees, along with filing a current bond, certificate of insurance and contractor's registration. (Staff recommends twenty-five dollar (\$25.00) renewal fee for inactive license.)

2.2 License Applications; In-ground Swimming Pools and Spas.

(a) Persons desiring a City swimming pool contractor license shall request an application from the department, and the application, with a statement of experience and proof of practical experience, shall be submitted to the building inspection department a minimum of ten (10) days prior to the board meeting.

(b) An applicant for a swimming pool contractor license must submit written proof of a minimum of three (3) years' experience in the construction of pools, spas and decks. Information provided shall include employers, dates of employment, description of

duties, and a list of at least five (5) in-ground pools which the applicant participated in the construction of, along with the dates of construction.

(c) Applicants must pass a nationally recognized test as approved by the Board of Appeals for swimming pool contractors.

(d) City swimming pool contractor licenses shall only be issued to individuals. Legal entities (corporations, partnerships, companies, etc.) are ineligible to be licensed.

2.2.1 Exams.

(a) The exam shall be one approved by the Board of Appeals for use in determining licensing under the City of Abilene Swimming Pool Ordinance.

(b) An applicant who successfully passes the exam shall be eligible for a City swimming pool contractor license, upon payment of the license fee. Eligibility for a license shall last not more than ninety (90) days from the date of notification of the exam results. Applicants who pass the exam but do not choose to acquire a license before the ninety-day period must pay the required exam fee and retake the exam.

(c) An applicant will be notified of the exam results within thirty (30) days of the exam date.

(d) An applicant shall be notified by the Board of Appeals of the scheduled exam date within a reasonable amount of time prior to the exam.

2.3. License Applications; Aboveground Swimming Pools and Spas.

(a) An applicant for a license to install aboveground swimming pools and spas is not required to take an exam or provide proof of experience; however, the following must be received and approved by the department:

(1) The application form completely and correctly filled out;

(2) A completed contractor's bond in accordance with section 2.4.2 of this article shall be on file in the office of the Building Official before the license will be issued;

(3) The applicant shall sign an affidavit acknowledging minimum requirements for aboveground swimming pools;

(4) Payment of the license fee as set by City Council in accordance with City Council resolution.

2.4. Bond and Insurance Requirements.

Bond and insurance requirements shall be in accordance with this section.

2.4.1 In-ground Swimming Pools and Spas.

A swimming pool contractor's bond in the amount of ten thousand dollars (\$10,000.00) shall be submitted and maintained on file with the Building Official of the City of Abilene. The bond shall be payable to the City and conditioned on faithful performance of all of the provisions and regulations of this Code and all other ordinances of the City. The surety on such bond shall be a company authorized to transact business in the State of Texas.

A certificate of insurance providing for commercial general liability insurance with a coverage amount of not less than three hundred thousand dollars (\$300,000.00) for all claims arising in any one year. Insurance shall also provide for completed operations clause for work done under this ordinance.

2.4.2. Aboveground Swimming Pools and Spas.

A swimming pool contractor's bond in the amount of ten thousand dollars (\$10,000.00) shall be submitted and maintained on file with the Building Official of the City of Abilene. The bond shall be payable to the City and conditioned on faithful performance of all of the provisions and regulations of this Code and all other ordinances of the City. The surety on such bond shall be a company authorized to transact business in the State of Texas.

2.5. Denial, Suspension or Revocation; Penalties.

(a) A person whose application for a license is denied or a person whose license is suspended or revoked is entitled to a hearing before the Board of Appeals if he submits a written request for hearing to the department. If a person's license is revoked, the person may not apply for a new license until one year from the date the revocation became effective, and not before.

(b) The Board of Appeals may revoke or suspend a license, probate a license suspension, or reprimand a licensee for any violation of rules promulgated by the Board of Appeals. A violation may include, but not be limited to, obtaining a license through error or fraud; knowingly making a misrepresentation of services to be provided or which have been provided; or making any false promise with intent to influence, persuade, or induce an individual to contract for services. Any person whose license has been revoked may apply for a new license after the expiration of one year from the date of such revocation, but not before.

(c) It shall be unlawful for a licensed swimming pool contractor to permit the contractor's license to be used in any manner contrary to any of these provisions; or to obtain a municipal permit, required under the provisions hereof, in his/her name, or to allow the use of his/her name directly or indirectly by another person for the purpose of obtaining a municipal permit, when such licensed swimming pool contractor does not intend to, or does not in fact do or supervise the work authorized by such municipal permit; or to take out municipal permits for swimming pool work to be done by another person by whom he/she is not employed.

(d) Such unlawful action as detailed above shall constitute a Class "C" misdemeanor.

3.1. Board of Appeals.

In order to determine the suitability of alternate materials and methods of installation and to provide for reasonable interpretations of this swimming pools and spas chapter, the mechanical, plumbing, electrical and swimming pool board of appeals as established in Chapter 8, section 8-391, et seq., of the City Code, is charged with hearing appeals from any decision of the Building Official concerning the Swimming Pools and Spas Ordinance, this chapter. Any reference to the Board of Appeals in this chapter shall be construed to mean and does mean the mechanical, plumbing, electrical and swimming pool board of appeals, as established in section 8-391 et seq., of the Abilene City Code. In ruling on such appeals, the Board of Appeals shall render no decision which is contrary to or inconsistent with the provisions of this chapter. In the event the Board of Appeals shall be of the opinion that any provision or provisions of this chapter should be amended, it shall make such recommendation to the City Council for consideration.

Public and Restricted Access Pools and Spas

4.1. Permit to operate required; fee.

(a) No person shall conduct, operate or maintain a public or restricted access pool or spa who does not possess a valid, current permit to operate from the Health Authority. Such permit to operate shall at all times be kept posted and displayed within the premises of the swimming pool or spa area as the Health Authority may direct. Such permit to operate shall be obtained by the date of opening and shall be valid for one year from the date of issue, unless otherwise revoked for cause. The permit to operate shall not be transferred or reassigned, and shall be considered revoked should the same be sold or otherwise disposed of by the owner thereof. The permit shall be renewed annually in like manner as originally applied for.

(b) The fee for such permit to operate shall be set by the City Council in accordance with City Council resolution.

4.2. Application for permit to operate; inspections.

(a) Each applicant for a permit to operate required by section 4.1, shall make written application to the Health Authority, stating thereon the name and address of the pool or spa, the name and address of the owner of such, and such other information as may be reasonably required by the Health Authority.

(b) Upon receipt of the application as provided in subsection (a) above, the Health Authority shall inspect the pool or spa and the premises and equipment to be used in connection with the pool or spa, and if based upon the inspection, the pool or spa and premises and equipment in his/her opinion conform with the requirements of the laws of the state and of this Code and of other ordinances of the City in force at the time of the inspection, he/she shall grant the permit to operate.

(c) The Health Authority is authorized to conduct such inspections as are deemed necessary to ensure compliance with all provisions of this chapter.

4.3. Permit revocation; reinstatement.

Any permit granted herein shall be subject to revocation or suspension at the direction of the Health Authority for failure of the grantee named therein or any of his/her employees, agents or representatives to operate the pool or spa in accordance with this article, all swimming pool and sanitary laws of the state, and the rules and regulations of the state health department and all official orders pursuant thereto. Upon notice of such revocation or suspension, the operation of such pool or spa shall be immediately discontinued until the terms and provisions of this article are complied with. An application for reinstatement of such permit shall be made under the same terms and conditions as the original application therefore.

4.4. Appeal.

Any person dissatisfied with an order or ruling of the Health Authority in the enforcement of this article may appeal to the Public Health Authority and Director of Planning and Development Services. A person desiring to so appeal shall file in the office of the Public Health Authority or Director of Planning and Development Services, within fifteen (15) days of the ruling or order appealed from, a written appeal which shall include a brief statement of the reasons therefore and a detailed statement of the facts supporting the appeal. Upon the expiration of the fifteen-day period without a written appeal being filed with the Public Health Authority or Director of Planning and Development Services as herein provided, the order or ruling of the Public Health Authority and Director of Planning and Development Services shall become final and nonappealable.

Part II Design and Construction Standards Residential Swimming Pools

The City of Abilene adopts by reference the NSPI-5 1989 Standard for Residential Swimming Pools with the following amendments:

Article I Materials of Construction

[Article I., Materials of construction], add a new section:

1.2 All materials, fixtures, or devices used or entering into the construction of a swimming pool, spa or hot tub, plumbing system shall conform to approved applicable standards. All materials and devices shall be marked and identified, in a manner satisfactory to the Building Official.

**Article IV
Decks and Deck Equipment**

[Article IV., Decks and deck equipment], add a new section:

4.1.6.3. Residential swimming pools shall be provided with a deck on at least two (2) sides. Deck width is required to be a minimum of four (4) feet.

**Article XII
Water Supply**

[Article XII., Water supply], delete the article in its entirety, and insert:

12.1 The water supply serving the swimming pool or spa and all plumbing fixtures, including drinking fountains, lavatories, and showers shall meet the requirements of the Texas Department of Health, and comply with the City Plumbing Code.

**Article XIII
Waste Water Disposal**

[Article XIII., Waste water disposal], delete the article in its entirety, and insert:

13.1 The sewer system shall be adequate to serve the facility, including bathhouse, locker room, and related accommodations.

13.2 There shall be no direct physical connection between the sanitary sewer system and any drain from the swimming pool or spa or recirculation. When the wastewater from a swimming pool or spa is to be disposed of through a sanitary sewer, a minimum of three-inch P trap shall be required. The tail piece from the trap shall extend a minimum of three (3) inches above the finished grade. Traps need not be vented when located on the exterior of a building. The connection between filter, waste discharge piping and the P trap shall be made by means of a six-inch air gap. Discharge into the sewer shall at no time exceed twenty (20) gallons per minute, in order to prevent surcharging of the sewer; or

13.3 If drainage is not directed to the sanitary sewer, it shall be dechlorinated and free of chemicals, with the exception of Sodium Thiosulphate (or similar) as a dechlorination mechanism, and shall be directed to a public drainage way, such as streets, alleys, storm sewers, or any other structure that conveys stormwater through the city, but not to an unpaved alley. Where conditions are such that no hazard, nuisance or unsanitary condition is evidenced, swimming pool wastewater may be used for irrigation by surface or subsurface spreading if it is dechlorinated and free of chemicals, with the exception of Sodium Thiosulphate (or similar) as a dechlorination mechanism. Any discharge must conform with the requirements of the City of Abilene Code of Ordinances, Chapter 32, Article VII, Municipal Drainage Utility – Stormwater Protection.

Article XV Safety

[Article XV., Safety], delete section 15.1.3. in its entirety. Add this section:

15.3 Swimming pools or spas which are an accessory use to a single-family residence shall be completely surrounded by a wall or fence, at least four (4) feet high with self-closing and positive latching four (4) feet high gates. When fences have horizontal members spaced less than forty-five (45) inches apart, the horizontal members shall be placed on the pool side of the fence. Any decorative design work on the side away from the swimming pool, which render the fence easily climbable, is prohibited. The opening spacing of members or framework shall be spaced such that the passage of a four-inch-diameter sphere is not allowed. Gates may be of the same design requirements as the fence and shall be self-closing and positive latching.

Exception:

1. Natural barriers, in lieu of fencing, may be considered by the Mechanical, Plumbing, Electrical, and Swimming Pool Board of Appeals, on a case by case basis. The proponent has the burden of proof to clearly identify the character and sufficiency of the natural barrier.

Article XVI Glossary of In-ground Swimming Pool Terms

[Article XVI., Glossary of in-ground swimming pool terms], insert the following definitions:

Swimming pool contractor. A person licensed under this article who designs, installs, constructs, alters or modifies any swimming pool, spa, and spa pool product system or equipment.

Swimming pool or spa maintenance/service work. Work performed to clean and maintain pools and spas limited to the following: replace like equipment for like equipment, replace sand in filters, cleaning and chemical treatment, repair and/or replace ball filter, painting, and tile repair. Work requiring permits for mechanical, plumbing, electrical or structural repairs is not allowed. A licensed swimming pool contractor is required when work involves replacement of the deck, underground piping, or structural components of the pool.

Figure 29.5-21

[Figure 29.5-21, is added as follows:]

Part III
Design, Construction and Operation of Public and
Restricted Access Swimming Pools and Spas

The City of Abilene adopts by reference Title 25, Chapter 265, Subchapter L of the Texas Administrative Code, “Standards for Public Pools and Spas” with the following amendments:

[Section 265.183.(a)], delete section 265.183.(a) in its entirety and insert:

- (a) Plans and permits for post-10/01/99 pools and spas.** Plans and permits shall be in accordance with Article A1.1 of this pamphlet.

[Section 265.197.(a)(3)], amend the first sentence in section 265.197.(a) (3) as follows:

- (3)** Chlorine or bromine residual or other method of disinfectant approved by the Health Authority shall be maintained in the pool or spa water to meet the requirements of Section 265.204(a) of this title (relating to Water Quality at Post-10/01/99 and Pre-10/01/99 Pools and Spas). ... ***(the remainder of paragraph remains the same.)***

[Section 265.198.(e)(2)(B)], amend section 265.198.(e) (2) (B) as follows:

- (B)** have negative pressure ventilation as long as the facility also has gas containment and treatment equipment and procedures as prescribed by the fire code.

[Section 265.199.(l)], amend section 265.199.(l) as follows:

- (l) Indoor ventilation for post-10/01/99 pools and spas.** A post-10/01/99 pool or spa that is constructed indoors must meet the mechanical code requirements.

SWIMMING POOL CONTRACTOR FEES

License Fee for Swimming Pool	\$100.00
Annual Renewal Fee for Swimming Pool Contractor	75.00
License Fee for Aboveground Pools & Spas Contractors	50.00
Annual Renewal Fee for Aboveground Pools & Spas Contractors	25.00
Annual Renewal Fee for Inactive Swimming Pool Contractor	25.00
Swimming Pool Construction Permit Fees (per \$1,000 worth of valuation)	3.00
Minimum Swimming Pool Construction Permit Fee	30.00
Operators Permit	100.00

Swimming Pool and Spa Building Permits shall be in accordance with the Building Code and Residential Building Code.