

**CITY OF SANDY OAKS, TEXAS**

**ORDINANCE NO. 2021-191**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANDY OAKS, TEXAS ADOPTING REGULATIONS FOR SWIMMING POOLS AND SPA; PROVIDING FOR ENFORCEMENT; PROVIDING A PENALTY CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; PROVIDING FOR CONFLICTS WITH OTHER LAW; PROVIDING FOR PUBLICATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Chapter 214, Subchapter C, Section 214.103 of the Local Government Code adopted the International Swimming Pool and Spa Code, as it existed on May 1, 2019, as the municipal swimming pool and spa code in the state and provides that a municipality may adopt a more recent version of the International Swimming Pool and Spa Code to apply in the municipality; and

**WHEREAS**, Chapter 214, Subchapter C, Section 214.101(a) of the Local Government Code provides a municipality may by ordinance establish minimum standards for swimming pool fences and enclosures and may adopt other ordinances as necessary to carry out that subchapter, including standards for a pool yard enclosure as defined by Chapter 757, Health and Safety Code, as added by Section 2, Chapter 517, Acts of the 73rd Legislature, 1993; and

**WHEREAS**, Title 25 of the Texas Administrative Code, Chapter 265, Subchapter L provides for minimum standards for the design, construction, renovation, maintenance of public swimming pools and spas, and bathhouses; and

**WHEREAS**, the City Council of the City of Sandy Oaks, Texas (“City”) is of the opinion that the 2021 International Swimming Pool and Spa Code, Health and Safety Code Chapter 757, and Title 25 of the Texas Administrative Code Chapter 265, Subchapter L should be adopted collectively as the Swimming Pool and Spa Code for the City with local amendments, to protect the public health, safety, and welfare;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SANDY OAKS, TEXAS THAT:**

**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. ADOPTION.**

- A. The following state and federal laws for swimming pools and spas are hereby adopted and incorporated hereto by reference as the Swimming Pool and Spa Code of the City of Sandy Oaks, Texas:
  - 1. The 2021 International Swimming Pool and Spa Code as promulgated by the International Code Council, including its incorporation of the Virginia Graeme Baker Pool and Spa Safety Act (15 U.S.C. Section 8001), et seq. A copy of the

2021 International Swimming Pool and Spa Code is on file in the office of the City Secretary.

2. Sections 214.101(b)-(g) and 214.102, of Chapter 214, Subchapter C of the Local Government Code, as amended.
  3. Chapter 757 of the Health and Safety Code, as amended.
  4. Subchapter L of Chapter 265 of Title 25 of the Texas Administrative Code, as amended.
- B. The following provisions are local amendments to the 2021 International Swimming Pool and Spa Code:

1. **Chapter 1, Administration; Part 1—Scope and Application; Section 101 General; 101.1. Title.** The City of Sandy Oaks, Texas
2. **Chapter 1, Administration; Part 2—Administration and Enforcement; Section 103 Department of Building Safety; 103.1. Creation of enforcement agency** is amended as follows: The Building Official of the City of Sandy Oaks is the official in charge thereof and shall be known as the code official.
3. **Chapter 1, Administration; Part 2—Administration and Enforcement; Section 108 Permits** is amended as follows:

**Section 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.

Fee Schedule attached hereto as Exhibit A.

**108.6. Refunds.** The code official shall authorize the refunding of fees as follows:

2. Not more than 75 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 95 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.
4. **Chapter 2, Definitions; Section 202,** is amended to include the following:
- WADING POOL.** Includes a small pool of less than 18 inches in depth and no more than 100 square feet of surface area with no filtration equipment.
5. **Chapter 3, General, Section 302 Electrical, Plumbing, Mechanical and Fuel Gas Requirements, 302.1 Electrical** is amended by adding:

Onground storable pools with pump(s) shall not utilize extension cords for electrical power. A permanently installed ground fault circuit interrupter outlet shall be installed in accordance with NFPA 70 (2020 edition).

6. **Chapter 7, Onground Storable Residential Swimming Pools** is amended to include the following:

**701.5 Installation.** Onground storable pools shall be installed in accordance with the manufacturer's instructions. Onground storable pools shall not be installed or placed in front of a residence unless the onground storage pool is a wading pool as defined herein and such wading pool is drained daily and stored in such a manner that does not collect water.

**SECTION 3. ENFORCEMENT.** Each municipal official, agent, or employee has a duty to report, enforce and follow up on each observed violation of this Ordinance and is authorized to enter any unoccupied or occupied premises as permitted by Local Government Code section 214.101(g) and shall be immune from liability for any acts or omissions not knowingly done that are associated with actions taken in an effort to eliminate the dangerous conditions posed by an enclosure or fence that is damaged, deteriorated, substandard, dilapidated, or otherwise in a state that poses a hazard to the public health, safety, and welfare and for any previous or subsequent conditions on the property as provided by Local Government Code section 214.101(g).

**SECTION 4. PENALTY CLAUSE.** Any person, firm, or corporation violating any of the provisions or terms of this Ordinance shall be guilty of a misdemeanor and upon conviction, shall be fined a sum not to exceed \$1,000.00 for each offense, and each day such violation shall continue or exist, constitutes a separate offense.

**SECTION 5. SEVERABILITY CLAUSE.** It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation of this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

**SECTION 6. REPEALER CLAUSE.** Any provision of any prior ordinance of the City whether codified or uncodified, which are in conflict with any provision of this Ordinance, are hereby repealed to the extent of the conflict, but all other provisions of the ordinances of the City whether codified or uncodified, which are not in conflict with the provisions of this Ordinance, shall remain in full force and effect.

**SECTION 7. CONFLICTS WITH OTHER LAW.** Whenever a provision of this Ordinance or among the adopted state and federal codes or laws, or any provision in any other law, ordinance, resolution, rule, or regulation of any kind applicable to the City contains any restrictions covering any of the same subject matter conflict, whichever restrictions are more restrictive or impose higher

standards or requirements shall govern unless otherwise stated. Any provisions of this Ordinance that are in conflict with state law shall be governed by state law to the extent of the conflict only.

**SECTION 8. PUBLICATION.** The City Secretary is hereby directed to publish in the official newspaper of the City, this Ordinance, or a caption that summarizes the purpose of this Ordinance, and the penalty for violating this Ordinance as required by Local Government Code Section 52.011.

**SECTION 9. EFFECTIVE DATE.** This Ordinance shall become effective upon publication pursuant to Local Government Code Section 52.011

**PASSED, APPROVED AND ADOPTED** by the City Council of the City of Sandy Oaks, Texas, on this the 23<sup>rd</sup> day of September 2021.

CITY OF SANDY OAKS, TEXAS



Micki L. Ball, Mayor

**ATTEST:**

  
Charlotte Rabe, City Secretary

## Exhibit A

# Swimming Pool Permit Fees

Total Valuation	Fee
\$1.00 – 250.00	\$30.00
\$251.00 - \$500.00	\$60.00
\$501.00 - \$2,000.00	\$60.00 for the first \$500.00 plus \$2.00 for each additional \$100.00 or fraction thereof, to and including \$2,000.00
\$2,001.00 - \$25,000.00	\$90.00 for the first \$2,000.00 plus \$9.00 for each additional \$1,000.00 or fraction thereof, to and including \$25,000.00
\$25,001.00 - \$50,000.00	\$400.00 for the first \$25,000.00 plus \$7.00 for each additional \$1,000.00 or fraction thereof, to and including \$50,000.00
\$50,001.00 +	\$600.00 for the first \$50,000.00 plus \$6.00 for each additional \$1,000.00 or fraction thereof.

<b>Reinspection Fee</b>	<b>1<sup>st</sup></b>	\$30.00
	<b>2<sup>nd</sup> and additional</b>	\$65.00