

ORDINANCE NO. 30090

An ordinance amending Chapter 43A, "Swimming Pools," of the Dallas City Code by amending Sections 43A-1, 43A-2, 43A-3, 43A-6, 43A-9, 43A-11, 43A-15, 43A-16, 43A-19, 43A-20, and 43A-21; amending definitions, enforcement authority, depth and slope; depth markings, steps, ladder, and towers, operation of a pool, quality of water, safety equipment, and other safety standards for public and semi-public pools and spas; adding Section 43A-3.1, incorporating Texas Health and Safety Code regulations for multiunit pool enclosures; adding Article IV spa safety standards; making conforming changes; providing a penalty not to exceed \$2,000; providing a saving clause; providing a severability clause; and providing an effective date.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That Section 43A-1, "Definitions," of Article I, "General Provisions," of Chapter 43A, "Swimming Pools," of the Dallas City Code is amended to read as follows:

"SEC. 43A-1. DEFINITIONS.

(a) The terms used in this chapter have the meanings ascribed to them in the Texas Administrative Code Title 25, Part 1, Chapter 265, Subchapter L, Section 182, as amended.

(b) In addition to the terms defined in Subsection (a), the terms in this chapter have the following meaning [~~this chapter~~]:

(1) DIRECTOR means the director of the department designated by the city manager to enforce and administer this chapter or the director's designated representative.

(2) PERSON means an individual, partnership, company, corporation, association, firm, organization, institution, or similar entity.

(3) PRIVATE POOL means a swimming pool appurtenant to a single-family or duplex residence (including condominiums and townhouses) and used only by the occupants of the residence and their guests.

(4) PUBLIC POOL means a swimming pool to which the general public has access.

(5) SEMI-PUBLIC POOL means a swimming pool that is privately owned and open only to an identifiable class of persons, including, but not limited to, motel guests, apartment residents, and club members.

~~[(6) SWIMMING POOL or POOL means a structure that is used for swimming, bathing, or water play, including all equipment and appurtenant facilities.]”~~

SECTION 2. That Section 43A-2, “Permit Required; Application; Issuance,” of Article I, “General Provisions,” of Chapter 43A, “Swimming Pools,” of the Dallas City Code is amended to read as follows:

“SEC. 43A-2. PERMIT REQUIRED; APPLICATION; ISSUANCE.

No person may construct, modify, or repair a [swimming] pool in the city without obtaining a permit. The application for a permit must be on a form provided by the building official and must be accompanied by the required fee and a specified number of copies of the plans of which the applicant seeks approval. If the building official and the director are satisfied that the proposed [swimming] pool will conform in all respects to the requirements of the law, a permit shall be issued by the building official to the applicant.”

SECTION 3. That Section 43A-3, “Inspections and Reinspections,” of Article I, “General Provisions,” of Chapter 43A, “Swimming Pools,” of the Dallas City Code is amended to read as follows:

“SEC. 43A-3. INSPECTIONS AND REINSPECTIONS.

(a) The director shall have all of the authority granted to the city under Texas Administrative Code Title 25, Part 1, Chapter 265, Subchapter L, Section 207, as amended, to [may] inspect a [swimming] pool at any reasonable time and [has authority] to enter upon the premises where a pool is located to the extent necessary to make a full examination for compliance with this chapter and state law. Advanced notice or permission for inspections or investigations by the director is not required.

(b) Public pools and semi-public pools, excluding multiunit, shall be inspected at least annually, and multiunit pools shall be inspected with the graded inspections for multitenant

properties in accordance with Chapter 27 of the Dallas City Code. For purposes of this subsection, “multiunit” has the meaning ascribed to it in Texas Health and Safety Code Section 757.001, as amended.

(c) Water samples from a pool may be taken.

(d) If a reinspection is required, the fee for the reinspection is \$43.”

SECTION 4. That Chapter 43A, “Swimming Pools,” of Article I, “General Provisions,” of the Dallas City Code is amended by adding a new Section 43A-3.1, “Incorporation of Health and Safety Code Regulations for Multiunit Pool Enclosures,” to read as follows:

“SEC. 43A-3.1. INCORPORATION OF HEALTH AND SAFETY CODE REGULATIONS FOR MULTIUNIT POOL ENCLOSURES.

The provisions of Texas Health and Safety Code Chapter 757, as amended, apply and supersede any regulations in this chapter for pools owned, controlled, or maintained by the owner or manager of a multiunit rental complex or by a property owner’s association and for doors and windows of rental dwellings opening into the pool yard of a multiunit rental complex or condominium, cooperative, or town home project.”

SECTION 5. That Subsection (e) of Section 43A-6, “Depth and Slope; Depth Markings,” of Article II, “Pool Design and Construction,” of Chapter 43A, “Swimming Pools,” of the Dallas City Code is amended to read as follows:

“(e) Depth of water must be marked at or above the water surface on the vertical pool wall or on the edge of the deck next to the pool, at maximum and minimum depth points, at points of break between deep and shallow areas, and at intermediate increments of depth, spaced at not more than 25 foot intervals around the entire perimeter of the pool. Depth markings and additional signage for pools must be consistent with the requirements in Texas Administrative Code Title 25, Chapter 265, Subsections 265.199(c)-(f), as amended. [~~Markings must be in numerals of a minimum height of four inches and in a color contrasting with the background.~~] Depth markers are not required for private pools.”

SECTION 6. That Section 43A-9, “Steps, Ladders and Towers,” of Article II, “Pool Design and Construction,” of Chapter 43A, “Swimming Pools,” of the Dallas City Code is amended by adding a new Subsection (e) to read as follows:

“(e) Handrails, ladders, steps, seat ledges, and coping must also comply with the standards for pool safety in Texas Administrative Code Title 25, Part 1, Subchapter L, Chapter 265, Subsection 199(a), as amended.”

SECTION 7. That Subsection (c) of Section 43A-11, “Deck Area; Pool Enclosure; Spectator Separation,” of Article II, “Pool Design and Construction,” of Chapter 43A, “Swimming Pools,” of the Dallas City Code is amended to read as follows:

“(c) The pool enclosure must comply with requirements of the Dallas Building Code and Texas Administrative Code Title 25, Part 1, Subchapter L, Chapter 265, Section 200, as amended.”

SECTION 8. That Section 43A-15, “Lighting,” of Article II, “Pool Design and Construction,” of Chapter 43A, “Swimming Pools,” of the Dallas City Code is amended by adding a new Subsection (c) to read as follows:

“(c) Deck and underwater lighting must also comply with the standards in Texas Administrative Code Title 25, Part 1, Subchapter L, Chapter 265, Subsection 265.199(k), as amended.”

SECTION 9. That Section 43A-16, “Toilet Facilities,” of Article II, “Pool Design and Construction,” of Chapter 43A, “Swimming Pools,” of the Dallas City Code is amended by adding a new Subsection (c) to read as follows:

“(c) Dressing and toilet facilities at public and semi-public pools must comply with the standards in Texas Administrative Code Title 25, Part 1, Subchapter L, Chapter 265, Section 201, as amended.”

SECTION 10. That Section 43A-19, “Operation of a Pool,” of Article III, “Maintenance and Operation of Swimming Pools,” of Chapter 43A, “Swimming Pools,” of the Dallas City Code is amended to read as follows:

“SEC. 43A-19. OPERATION OF A POOL.

(a) A manager of operations, a manager of premises on which a public or semi-public pool is located, or the owner of a public or semi-public pool shall not:

(1) knowingly permit a condition to exist that endangers the life, health, or safety of a swimmer or that violates a provision of this article;

(2) knowingly permit a person to swim in a pool who has skin abrasions, open sores, cuts, skin disease, eye disease, nasal or ear discharge, or communicable disease;

(3) ~~knowingly permit a person to carry glass within a pool area or enclosure;~~

(4) knowingly allow dogs within a pool area or enclosure;

(5) fail to post placards containing pool regulations and instructions in conspicuous places within a pool area or enclosure;

(6) fail to maintain a pool in accordance with the standards of health and safety provided in Sections 43A-20 and 43A-21;

(7) knowingly violate or permit any person to violate the regulations regarding food, beverages, and trash containers in Texas Administrative Code Title 25, Part 1, Chapter 265, Subchapter L, Section 202, as amended; or

(8) knowingly violate or permit any person to violate the lifeguard training and personnel requirements in Texas Administrative Code Title 25, Part 1, Chapter 265, Subchapter L, Subsection 265.199(g), as amended.

(b) A manager of operations, a manager of premises on which a public or semi-public pool is located, and the owner of a public or semi-public pool must also comply with the pool and spa standards in Texas Administrative Code Title 25, Part 1, Chapter 265, Subchapter L, Subsections 265.203(a)-(l), as amended.”

SECTION 11. That Section 43A-20, “Quality of Water; Public and Semi-Public Pools,” of Article III, “Maintenance and Operation of Swimming Pools,” of Chapter 43A, “Swimming Pools,” of the Dallas City Code is amended to read as follows:

“SEC. 43A-20. QUALITY OF WATER; PUBLIC AND SEMI-PUBLIC POOLS.

(a) Water quality. A manager of operations, a manager of premises on which a public or semi-public pool is located, and the owner of a public or semi-public pool must comply with the water quality standards in Texas Administrative Code Title 25, Part 1, Chapter 265, Subchapter L, Subsection 265.204 and Figure 265.204(a), as amended. ~~[Acidity-alkalinity. The water in a public or semi-public pool must be maintained in an alkaline condition so that the pH of the water is between 7.2 and 8.2.~~

(b) Clarity. ~~The water in a public or semi-public pool must be sufficiently clear to permit a distinct view of the main drain from outside the pool.]~~

(b[e]) Disinfectant. In a public or semi-public pool disinfectant capable of killing bacteria and algae, but not harmful to humans, shall be added to the pool water through a continuous feed machine. If chlorine or bromine is used, a residual level shall be maintained consistent with the levels in Texas Administrative Code Title 25, Part 1, Chapter 265, Subchapter L, Subsection 265.204 and Figure 265.204(a), as amended [~~of one part per million of chlorine, or greater~~].

(c[d]) Algae. A public or semi-public pool must be kept free of algae.

(d[e]) Circulation. The recirculation system of a public or semi-public pool must be in operation at all times.

(e[f]) Heating. Hot water must not enter a public or semi-public pool at a temperature exceeding 110 degrees Fahrenheit.

(f[g]) Level. Fresh water must be added to a public or semi-public pool at a rate that will keep the pool water at a level sufficient to allow skimming devices or overflow gutters to work properly.

(g[h]) Cleaning. The walls, floors, equipment, and appurtenant facilities of a public or semi-public pool must be maintained in a clean and sanitary condition at all times.”

SECTION 12. That Section 43A-21, “Safety Equipment,” of Article III, “Maintenance and Operation of Swimming Pools,” of Chapter 43A, “Swimming Pools,” of the Dallas City Code is amended to read as follows:

“SEC. 43A-21. SAFETY EQUIPMENT.

Texas Administrative Code Title 25, Part 1, Chapter 265, Subchapter L, Subsection 265.199(b), Subsections 265.199(g)-(h), and (j), and Subsection 265.199(i)(1)(A)-(B), as amended, are hereby adopted and incorporated by reference into this chapter [~~The following safety equipment must be available for use at anytime a public or semi-public pool is open:~~

- (1) ~~a life pole or shepherd’s crook pole capable of reaching each part of a pool; and~~
- (2) ~~a guard line separating the shallow portion from the deep portion of a pool at the break point depth].”~~

SECTION 13. That Chapter 43A, "Swimming Pools," of the Dallas City Code is amended by adding a new Article IV, "Spas," to read as follows:

"ARTICLE IV.

SPAS.

SEC. 43A-26. SPA SAFETY STANDARDS.

Texas Administrative Code Title 25, Part 1, Chapter 265, Subchapter L, Subsection 265.205(f), as amended, is hereby adopted and incorporated by reference into this chapter."

SECTION 14. That a person violating a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$2,000.

SECTION 15. That Chapter 43A of the Dallas City Code shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 16. That the terms and provisions of this ordinance are severable and are governed by Section 1-4 of Chapter 1 of the Dallas City Code, as amended.

SECTION 17. That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:

CHRISTOPHER D. BOWERS, Interim City Attorney

By /s/ Zachary Noblitt
Assistant City Attorney

Passed May 25, 2016