

**CITY OF LAKE DALLAS, TEXAS  
ORDINANCE NO. 2019-09**

**AN ORDINANCE OF THE CITY OF LAKE DALLAS, TEXAS, AMENDING THE LAKE DALLAS MUNICIPAL CODE BY RETITLING AND AMENDING IN ITS ENTIRETY ARTICLE IV "PUBLIC SWIMMING POOLS" OUT OF CHAPTER 22 "BUILDINGS AND BUILDING REGULATIONS," TO AMEND THE REGULATIONS RELATING TO PUBLIC SWIMMING POOLS AND SPAS AND ADOPT REGULATIONS RELATING TO PRIVATE SWIMMING POOLS; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2000.00) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City Council of the City of Lake Dallas, Texas, finds it to be in the public interest to amend the Lake Dallas Municipal Code by amending the existing regulations relating to the construction of public swimming pools and adopt regulations relating to the construction of private swimming pools.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LAKE DALLAS, TEXAS, THAT:**

**SECTION 1.** Lake Dallas Municipal Code Chapter 22 "Buildings and Building Regulations" is amended by retitling and amending in its entirety Article IV "Public Swimming Pools" to read as follows:

**ARTICLE IV. SWIMMING POOLS**

**DIVISION 1. - PUBLIC SWIMMING POOLS AND SPAS**

**Sec. 22-275. Purpose; adoption of state standards for public swimming pools and spas.**

(a) The intent and purpose of this division is to provide for the health and safety and the inspection of public and semi-public swimming pools and/or spas in the City, and to provide for the issuance, suspension or revocation of permits for the operation of public and semi-public pools.

(b) The City adopts by reference the provisions of the rules and regulations promulgated by the Texas Department of State Health Services in 25 Texas Administrative Code, Chapter 265, Subchapter L, Sections 181 through 208, (the "Standards for Public Pools and Spas") regarding the regulation of public swimming pools and spas, as amended herein. In the event of a conflict between any provision of the Standards for Public Pools and Spas and any provision of this article, this article shall prevail.

(c) This division shall not apply to a pool or spa serving only one or two dwellings (a single-family home or a duplex), regardless of whether the pool or spa is permanently or temporarily installed in or above the ground.

**Sec. 22-276. Definitions.**

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

State Rules means the rules and regulations found at 25 Texas Administrative Code, Chapter 265, subchapter L, as amended.

Public Swimming pool or spa means a pool of water 24 inches or greater in depth, located either indoors or outdoors, intended for use for swimming or water related recreation that does not serve only a single-family home or a duplex. The term includes spas and hot tubs.

**Sec. 22-277. Design standards.**

The construction and design standards set forth in the State rules shall apply in the City; provided, however, when installed on new and existing public swimming pools and spas on or after August 27, 2009, the "return inlet" and "suction outlet," as defined 25 TAC §265.182, shall be installed or equipped with anti-vortex or better covers or grates that have been tested by a nationally recognized testing laboratory and comply with ASME/ANSI A112.19.8MR96, Suction Fitting for Use in Swimming Pools, Wading Pools, Spas, and Hot Tubs.

**Sec. 22-278. Permits.**

A person may not operate a public swimming pool or spa without first having been issued a valid permit issued by the City. Permits are not transferable from one person to another or from one location to another location, except as otherwise permitted by this Division. A valid permit must be posted in a conspicuous location at or near the public swimming pool or spa and shall be made available upon request to the City. Permits issued pursuant to this section shall be effective for one year from the date of issuance. An application for renewal of a permit issued pursuant to this section must be submitted to the City prior to the expiration of the existing permit.

**Sec. 22-279. Permit application.**

Any person desiring to operate a public swimming pool or spa must first make written application on forms provided by the City. The application must contain the name and address of the applicant, the location and type of swimming pool or spa, and the plans and specifications required by this article, and must be accompanied by the applicable fee as set forth in the City's master fee schedule. An incomplete application will not be accepted. Failure to provide all required information or falsifying required information may result in denial, suspension or revocation of the permit.

**Sec. 22-280. Plan review; inspections.**

(a) When a public swimming pool or spa is constructed, remodeled, or converted, plans and specifications for such shall be submitted to the City for review before work is commenced. The plans and specifications shall indicate the proposed layout, equipment arrangement, mechanical plans, construction work areas, materials, and the type and model of proposed fixed equipment and facilities. The plans and specifications may be approved by the City if they are in compliance with this division, the state rules, and all other applicable rules and regulations. Plans and specifications must also be reviewed and approved by all applicable public utilities prior to submission to the City.

(b) The City shall inspect a public swimming pool or spa prior to the issuance or renewal of a permit issued pursuant Section 22-278 to determine compliance with approved plans and specifications and all applicable rules and regulations, and may conduct such inspections, with or without prior notice, as the City may determine necessary or appropriate.

**Sec. 22-281. Suspension of permit; notice; hearing.**

(a) The City may without prior notice suspend a permit issued pursuant to Section 22-278 if the operation of the public swimming pool or spa constitutes an imminent hazard to public health or safety. Suspension is effective immediately upon service of notice of suspension.

(b) The City may deny, suspend or revoke a permit for reasons other than an imminent hazard to public health or safety if the city determines that:

- (1) The information contained in the permit application is determined to be materially false;
- (2) The construction of the public swimming pool or spa does not comply with the plans and specifications submitted in conjunction with the permit application;
- (3) The operation of the public swimming pool or spa is not in compliance with this division or the state rules;

(4) The operator of the public swimming pool or spa has committed repeated violations of this division or state rules;

(5) The permit holder, property owner, or any person in control or supervision of the premises on which a public swimming pool or spa is located interferes with or prevents the City or any person designated by the City from performing any duty under this division or the state rules, including but not limited to conducting inspections; or

(6) The operation and maintenance of the public swimming pool or spa has not been performed in a safe or healthy manner.

(c) Notice of denial, suspension or revocation of a permit issued pursuant to Section 22-278 shall be served on the owner or operator of the public swimming pool or spa or on any person who is in control or supervision of the property on which the public swimming pool or spa is located. Service of notice may be by personal delivery, certified mail return receipt requested, by posting in a conspicuous location at or near the public swimming pool or spa, by publication in a newspaper of local circulation, or by any other means reasonably calculated to provide notice of suspension or revocation. Service by mail is complete on the third day following deposit in the mail, with proper postage affixed, and properly addressed to owner/operator at the last known mailing address.

(d) Upon denial, suspension or revocation of a permit issued pursuant to Section 22-278, all use and operation of the public swimming pool or spa shall immediately cease or shall cease on the date specified in the notice of suspension or revocation. The owner of the property on which the public swimming pool or spa is located, or the holder of the permit shall post notice of pool closure in a conspicuous location at all entrances to the area in which the public swimming pool or spa is located.

(e) The holder of a permit issued pursuant to Section 22-278 shall be afforded the opportunity for a hearing if such permit is denied, suspended or revoked. The holder shall submit a written request for hearing not later than ten (10) days after service of the notice of denial, suspension or revocation. A hearing shall be conducted by an administrative official designated by the City not later twenty (20) days after submission of the request for hearing.

(f) If the administrative official upholds the denial, suspension or revocation of the permit following the hearing described in subsection (e), above, the holder of the permit may appeal the decision of the City's administrative official to the City Council by filing a notice of appeal not later than ten (10) days after receipt of written notice of the administrative official's decision. The City Council shall conduct a hearing on the appeal and may affirm, reverse or modify the decision of the administrative official at a regular or special meeting, but in any case, not earlier than the tenth (10<sup>th</sup>) day or later than the twentieth (20<sup>th</sup>) day after receipt of the request for hearing. The City Council's decision shall be final and binding. The failure to timely file a request for hearing or a notice of appeal shall render the denial, suspension, revocation or decision final and non-appealable.

(g) The City may, at its sole option, approve a permit or terminate a suspension or reinstate a revoked permit if the reasons for denial, suspension or revocation have been corrected or no longer exist.

**Sec. 22-282. Duties of owners and persons in control.**

It shall be an offense for an owner of property on which a public swimming pool or spa is located to cause, allow or permit a violation of this division or the state rules to occur. The duties imposed by this division on a person who operates a public swimming pool or spa are also imposed on people who own or are in control or supervision of the property on which a public swimming pool or spa is located.

**Sec. 22-283. Remedies; remedies cumulative.**

(a) Any person who violates a provision of this division, or who causes, suffers or permits a violation to occur shall, upon conviction, be punished by a fine not to exceed the sum of two thousand dollars (\$2,000.00) for each offense. Each day that a violation exists shall be a separate offense.

(b) The city may seek injunctive relief in any court of competent jurisdiction to restrain and enjoin a violation of any provision of this division or the state rules.

(c) The remedies provided for in this division are cumulative; the pursuit of any one or more remedies provided for herein shall not be to the exclusion of any other.

**DIVISION 2. PRIVATE SWIMMING POOLS**

**Sec. 22-284. - Private swimming pools.**

(a) *Private Swimming Pool Defined:* For purpose of this division, the phrase "private swimming pool" means a pool that is located on private property under control of the property owner or lessee, the use of which is limited to swimming, diving and/or recreational bathing by the members of the owner's or lessee's family and or their invited guests.

(b) *Permit Application:* No person shall begin construction of a private swimming pool or shall substantially alter or reconstruct any private swimming pool without first having submitted an application for a permit for same to the Building Inspection Department. An application for a permit to construct or remodel a private swimming pool shall be accompanied by two (2) complete sets of plans and specifications for the private swimming pool, together with supporting data on plans as may be required for the proper review of plans. The plans shall also include a site plan showing the location of the swimming pool on the property on which it is located and any existing easements and building set back lines as established by plat and/or the zoning regulations applicable to the property. All drawings submitted with the permit application shall be neatly and plainly executed and must be legible.

(c) *Issuance of Permit:* A permit for construction, alteration, or renovation of a private swimming pool shall be issued by the Building Inspections Department following approval of the submitted plans and drawings and the payment of the permit fee as established in the City's Master Fee Schedule.

(d) *Compliance with Permit and Drawings:* The private swimming pool and related equipment and improvements shall be built in accordance with the plans as approved unless approval of changes has been given by the building inspections department.

**Sec. 22-285. - Inspections.**

The building inspection department is authorized to conduct inspections, to insure compliance with all provisions of this division shall have right of entry, at any reasonable hour, to the construction site of the swimming pool for this purpose. The following inspections shall be required during the various phases of construction of a private swimming pool, which inspection must be completed and authority to proceed given by a City building inspector prior to proceeding with the next phase of construction:

- (a) Reinforcing steel and ground inspection;
- (b) Gas line to pool heater inspection, if a gas pool heater is to be installed;
- (c) Deck steel and grounding inspection;
- (d) Pre-plaster inspection and permanent fence inspection; and
- (e) Final inspections.

**Sec. 22-286 - Minimum standards for pools.**

(a) *Structural design.* Private swimming pools shall be designed and constructed in accordance with the minimum structural standards:

- (1) In ground private swimming pools shall be designed for the hydrostatic and soil forces external to the pool.
- (2) The depth of the private swimming pool shall maintain a ratio of one (1) unit vertical in one (1) unit horizontal from the nearest foundation up to a maximum depth of five (5) feet; provided, however, the building official may approve alternate designs prepared and sealed by a professional engineer.
- (3) Sand or earth bottoms shall not be permitted as a finish for interior surfaces in a private swimming pool.

(4) The pool shell and piping shall be designed and constructed to be winterized and protected from damage from freezing. Pool piping placed below ground shall have a minimum of six (6) inches of ground cover.

(5) Pool shell reinforcing steel shall be a minimum of #3 bars on twelve (12) inch centers with a minimum of twelve (12) inch overlap.

(b) *Dimensional design.* All private swimming pools shall be designed and constructed in accordance with the following dimensional requirements:

(1) No limits are specified for shape of private swimming pools except that consideration shall be given to shape from the standpoint of safety and the recirculation of the swimming pool water.

(2) Water depths at the shallow end of the swimming area shall be three (3) feet minimum and four (4) feet maximum, except for special purpose pools. More shallow depths may be used in the non-swimming area.

(3) Walls in the shallow portion of the pool area shall be vertical from the water line for a minimum of two (2) feet three (3) inches from which point a tangent radius or vertical section can be used to join the wall section to the floor.

(4) The slope of the floor from the shallow end wall towards the deep end shall not exceed one (1) foot in seven (7) feet to the point of the first slope change.

(5) The point of the first slope change shall be defined as the point at which the floor slope exceeds one (1) foot in seven (7) feet, and is at least six (6) feet from the shallow end wall.

(6) The slope of the floor from the point of first slope change to water depth of five (5) feet six (6) inches shall not exceed one (1) foot on the shallow side of the point of first slope change.

(7) In water depths over five (5) feet six (6) inches the slope of the floor shall not exceed one (1) foot in one (1) foot.

(8) If the point of the first slope change from the shallow end to the deep end occurs in water depths less than four (4) feet six (6) inches, a permanently attached safety line, supported by buoys, shall be affixed to the sidewalls at a point at least one (1) foot on the shallow side of the point of first slope change.

(9) All slopes shall be uniform.

(10) Pools on which diving equipment is prohibited shall not be limited in width, length, or depth of water, except as provided in the Section 22-286(b).

(11) Pools on which diving equipment is installed shall comply with Section 22-293.

#### **Sec. 22-287 - Inlets and outlets.**

(a) *Anti-vortex covers:* Suction outlets other than skimmers for new private swimming pools and spas shall be provided with anti-vortex covers or grates that have been tested by a nationally recognized testing laboratory and comply with ASME/ANSI A112.19.8 MR 96, The installation of the anti-vortex covers or grates shall be according to manufactures specifications.

(b) *Outlets.* All private swimming pools, except liner pools, shall be provided with an outlet at the deepest point for recirculating and emptying the pool.

(c) *When Multiple Outlets Required.* In private swimming pools with deep water at or near one (1) end and a width of more than thirty (30) feet, multiple outlets spaced no more than thirty (30) feet apart and located no more than fifteen (15) feet from sidewalls shall be installed.

(d) *Connections to Sewer Prohibited.* No direct connections to a sanitary sewer line shall be permitted. All drains from the pool to sewers shall be broken at a point where any sewage, which may break up from the sewer, will overflow to waste instead of reaching the pool.

(e) *Circulating Inlets.* Adjustable and/or directional inlets for recirculating water shall be located to produce uniform circulation of water. Where water from the public water system is added to the pool, admitting water to the pool by means of an air gap connection or vacuum breaker shall eliminate cross-connections between the public water system and the pool water.

#### **Sec. 22-288 - Skimmers.**

Skimmers shall be installed on all private swimming pools. Not less than one (1) skimming device shall be provided for each seven hundred fifty (750) square feet of surface area or fraction thereof. Where two (2) or more skimmers are required, they shall be so located as to minimize interference with each other and to insure proper skimming of the pool surface. Skimming devices shall be built into the pool wall, shall develop sufficient velocity on the pool surface to induce floating oils and waste into the skimmer from the pool area, and shall comply with the following:

(1) The piping and other pertinent components of skimmers shall be designed for a total capacity of not less than eighty (80) percent of the required filter flow of the recirculation systems and shall have a flow-through rate of not less than twenty-seven (27) gallons per minute, three and seventy-five one hundredth (3.75) gallons per minute per lineal inch of weir.



- (2) The skimmer weir shall be automatically adjustable and shall operate freely with continuous actions to variations in water level over a range of at least four (4) inches. The weir shall operate at all flow variations described in subsection (1) of this section. The weir shall be of such buoyancy and design so as to develop an effective velocity.
- (3) An easily removable and cleanable basket or screen through which all overflow water must pass shall be provided to trap large solids.
- (4) The skimmer shall be constructed of sturdy, corrosion-resistant materials.

**Sec. 22-289 - Sewer and waste water disposal.**

- (a) *Drainage from pools:* Drainage water from private swimming pools may drain into the storm water system. Drainage may not drain into a sanitary sewer. In no case shall water from private swimming pools be pumped upon public property, including, but not limited to, alleys or streets.
- (b) *Direct Connections Prohibited.* Direct physical connection between the storm water system and any drain from the swimming pool or recirculation system is prohibited. When discharged to the storm water system. Any pool or gutter drain or overflow from the recirculation system shall connect through a suitable air gap in a manner that precludes the possibility of backup of sewage or waste water into the swimming pool piping system.
- (c) *Deck drains.* Deck drains installed in association with construction of a private swimming pool shall be designed to carry water to streets or alleys and shall not cause water to flow onto adjacent property.

**Sec. 22-290. - Recirculation system.**

- (a) *Required.* A recirculation system consisting of pumps, piping, filters, and other accessory equipment shall be provided which will clarify the pool volume of water with a turnover rate not exceeding twelve (12) hours.
- (b) *Piping.* All recirculation system piping shall be designed to reduce friction losses to a minimum and to carry the required quantity of water at a maximum velocity not to exceed ten (10) feet per second. Such piping shall be of non-toxic material, resistant to corrosion, and able to withstand operating pressures.
- (c) *Strainer.* The recirculation system shall include a strainer to prevent hair, lint, and similar solid matter from reaching the pump and filters. Strainers shall be corrosion-resistant with openings not more than three-sixteenths (3/16<sup>th</sup>) of an inch in size, providing a free flow area at least four (4) times the area of pump suction line, and shall be readily accessible for frequent cleaning.

(d) *Vacuum System.* An installed vacuum cleaning system shall be an integral part of the recirculation system with sufficient connections located in the walls of the pool or surface skimmer.

(e) *Pumps and Motors.* Recirculation system pumps and motors shall be of adequate capacity to provide the required number of turnovers of pool water as specified in subsection (a) of this section. Whenever possible, such pumps and motors shall be so located as to eliminate the need for priming. If the pump or suction piping is located above the overflow level of the pool, the pump shall be self-priming. The pump(s) shall be capable of providing flow adequate for the backwashing of filters.

(f) *Heaters:* Gas fired swimming pool heaters and swimming pool boilers installed with a private swimming pool must comply with all applicable American Standard Approval Requirements, including A.G.A. Oil burning equipment which must be approved by U.L. or other nationally recognized testing agency. All such equipment shall carry the corresponding seal for approval by the appropriate agencies.

#### **Sec. 22-291 - Filters.**

(a) *Sand Filter.* The following requirements are equally applicable to either gravity or pressure sand filters installed with private swimming pools:

(1) Pressure sand filters shall be designed for a maximum filter rate of five (5) gallons per minute per square foot of bed area at time of maximum head loss with sufficient area to meet the design rate of flow required by the prescribed turnover.

(2) The under-drain system shall be of corrosion-resistant and enduring material, so designed and of such material that the orifices or other openings will maintain approximately constant area. The under-drain system shall be designed to provide even collection or distribution of the flow during filtration and backwashing.

(3) The filter system shall be provided with influent and effluent pressure gauges, backwash sight glass on the waste discharge line, and air relief valves at or near the high point of the filter.

(4) The filter system shall be designed with necessary valves and piping to permit:

(i) Filtering of the pool;

(ii) Individual backwashing of filters to waste at a rate of not less than nine (9) gallons per minute per square foot of filter area;

(iii) Complete drainage of all parts of the system; and

(iv) The overall layout shall permit necessary maintenance, operation, and inspection in a convenient manner.

(5) Each filter in excess of 7.07 square feet of sand surface area shall be provided with an access opening of not less than a standard eleven (11) inch by fifteen (15) inch manhole and cover.

(6) The tank and its integral parts shall be constructed of substantial material capable of withstanding continuous anticipated usage and shall be designed for a pressure safety factor of four (4) based on the maximum shut off head of the pump. This shut off head for design purposes shall in no case be considered less than fifty (50) pound per square inch.

(b) *Cartridge filters.* Cartridge filters may be used instead of sand filters. The cartridge filter is not required to backwash to the storm water system. All cartridge filters shall be installed per their listing and manufacturer's installation instructions.

**Sec. 22-292 - Ladders, recessed treads, and stairs.**

(a) *Ladders and Steps.* Recessed steps or ladders may be provided at the deep portion of the private swimming pool. Walk-in or recessed steps with grab rail or ladders may be provided in the pool and shall be of non-slip design and of corrosion-resistant materials. A minimum of one (1) ladder, recessed steps with grab rail, or walk-in steps (stairway) shall be installed; provided, however, no fewer than two (2) of any combination of the foregoing shall be installed in the diving area of a private swimming pool with a width exceeding thirty (30) feet at any point.

(b) *Diving Board Supports, etc.* Supports, platforms, and steps for diving boards shall be of substantial construction and of sufficient structural strength to safely carry the maximum anticipated loads. Steps shall be of corrosion-resistant material, easily cleanable, and of non-slip design.

**Sec. 22-293 - Diving, jump boards, diving areas and slides.**

(a) *Minimum Standards.* All diving boards, jump boards, diving areas and pool slides shall comply with the requirements as set forth in the 2003 edition of ANSI/NSPI-5, The American National Standards for Residential In ground Swimming Pools Articles 5.8, 5.9, 5.10 and 5.11

(b) *Headroom.* At least ten (10) feet of free and unobstructed headroom must be provided above diving boards.

**Sec. 22-294 - Swimming pool enclosure.**

Private swimming pools shall be enclosed with a barrier that complies with the latest edition of the Building Code and/or Residential Code, as applicable, as set forth in Article V of this Chapter.

**Sec. 22-295. - Pool location on property.**

Private swimming pools and related equipment shall be located:

- (1) With respect to any property line, not closer than the greater of (i) three (3) feet and (ii) the minimum building line setback established for such structures elsewhere in this Code; and
- (2) Outside of any public or private easement unless encroachment into such easement is granted in writing by the holder of said easement.

**Sec. 22-296 - Lighting, electrical, and plumbing requirements.**

(a) *Lighting and Electrical.* All lighting and electrical facilities and equipment installed in association with the construction of a private swimming pool shall comply with Article 680 of the latest edition of the National Electrical Code as adopted and amended pursuant to Article V, Division 4 of this Code.

(b) *Plumbing.* All plumbing equipment installed in association with the construction of a private swimming pool shall comply with the latest edition of the International Plumbing Code as adopted and amended pursuant to Article V, Division 3 of this Code.

**Sec. 22-297 - Prohibited acts and conditions**

It shall be unlawful for a person who owns, leases, or otherwise controls property on which is located a private swimming pool to:

- (1) Fail to maintain water clarity in a private swimming pool so that all parts of the bottom are visible from the pool deck;
- (2) Fail to maintain in good repair the fencing as required pursuant to Section 22-294; and
- (3) Failing to secure and lock all access gates to a private swimming pool located on unoccupied property.

**SECTION 2.** Should any section, paragraph, sentence, subdivision, clause, phrase or provision of this ordinance be adjudged or held to be unconstitutional, illegal, or invalid, the same shall not affect the validity of this ordinance as a whole or any part or provision hereof other than the part so decided to be unconstitutional, illegal, or invalid and shall not affect the validity of the remainder of this ordinance or any other provision of the Code of Ordinances of the City of

Lake Dallas.

**SECTION 3.** An offense committed before the effective date of this ordinance is governed by prior law and the provisions of the Code of Ordinances, as amended, in effect when the offense was committed, and the former law is continued in effect for this purpose.

**SECTION 4.** Any person violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and subject to a penalty as provided for in this ordinance, and upon conviction shall be punished by fine not to exceed the sum of Two Thousand Dollars (\$2000.00) for each offense.

**SECTION 5.** This ordinance shall take effect immediately from and after its passage and the publication of the caption as the law and charter in such cases provide.

**DULY ADOPTED AND APPROVED** by the City Council of the City of Lake Dallas, Texas, on this the 28<sup>th</sup> day of March 2019.

APPROVED:

  
Michael Barnhart, Mayor

ATTEST:

  
Codi Delcambre, TRMC, City Secretary

APPROVED AS TO FORM:

  
Kevin B. Laughlin, City Attorney  
(kbl:3/22/19:106901)

