

ORDINANCE NO. 2533

AN ORDINANCE OF THE CITY OF BRYAN, TEXAS, ADDING CHAPTER 14, ARTICLE XI “SWIMMING POOL AND SPA STANDARDS”, TO THE BRYAN CITY CODE; ADOPTING THE 2021 EDITION OF THE INTERNATIONAL SWIMMING POOL AND SPA CODE, AND ADOPTING LOCAL AMENDMENTS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; FINDING AND DETERMINING THAT THE MEETING AT WHICH THE ORDINANCE WAS PASSED WAS OPEN TO THE PUBLIC AS REQUIRED BY LAW; PROVIDING FOR CODIFICATION; PROVIDING FOR PENALTIES; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, it is the desire of the City Council for the City of Bryan, Texas to adopt the 2021 edition of the International Swimming Pool and Spa Code, published by the International Code Council, as well as local amendments to same; and

WHEREAS, the adoption of additional local amendments to the code will facilitate proper inspection activities by the City of Bryan, Texas relating to the construction and maintenance of buildings within the corporate limits of the City and relating to public, health, safety and welfare; and

WHEREAS, the City of Bryan’s Board of Adjustment and Appeals recommended approving the adoption of the 2021 edition of the International Building Code with local amendments during a public meeting held on October 4, 2021.

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

1.

That Chapter 14 is amended to add Article XI, “SWIMMING POOL AND SPA STANDARDS” which reads as follows:

ARTICLE XI. SWIMMING POOL AND SPA STANDARDS

Sec. 14-301. - International Swimming Pool and Spa Code adopted by reference.

- (a) The International Swimming Pool and Spa Code, 2021 Edition, published by the International Code Council is adopted and incorporated by reference into this section as if set out at length herein with deletions and amendments contained in section 14-302 (local amendments to the swimming pool and spa code). From the date on which this section shall take effect, the provisions contained therein shall be controlling in the construction of all buildings and other structures within the corporate limits of the city.
- (b) The city secretary shall retain a copy of the amendments to the 2021 International Swimming Pool and Spa Code, with the official ordinances of the city. A copy of the 2021 International Swimming Pool and Spa Code shall be maintained on file by the chief building official.

Sec. 14-302. - Amendments to code.

The following sections of the International Swimming Pool and Spa Code are hereby amended:

Section 103 (Code Compliance Agency) is amended by deleting "Code Compliance Agency" and replacing with "Building Services Division of the Development Services Department".

Section 108.4 (Work commencing before permit issuance) is amended by deleting the text in said section and replacing with the following: "Any person who commences any work on a swimming pool or spa or related system before obtaining the necessary permits shall be subject to five times the usual permit fee."

Section 108.6 (Fee refunds) is amended by deleting the text in said section and replacing it with the following: The city manager or his or her designee is authorized to establish a refund policy.

Section 113.4 (Violation; penalties) is amended by deleting and replacing the penalty provision to read as follows: "Any person who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter or repair swimming pool and or spa work in violation of the approved construction documents or directive of the code official, or of a permit or certificate issued under the provision of this code, shall be guilty of a Class C Misdemeanor, punishable by a fine as set forth in section 1-14. Each day that a violation continues after due notice has been served shall be deemed a separate offense."

Section 114.4 (Failure to comply) is amended by deleting the sentence and replacing with: "Any person who shall continue any work on the swimming pool, spa, or any related system after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to a fine as set forth in section 1-14."

Section 202 (Definitions) is amended by amending the following definition: "Code Official" by deleting and replacing existing text for definition of "Code Official" with the following text "see "Building Official"

Section 202 (Definitions) is amended by adding the following definition:

"Building Official. The chief building official or other designated authority or his or her duly authorized representative, charged with the administration and enforcement of this code."

Section 302.1 (Electrical) is amended by deleting existing text and replacing with the following: "Electrical requirements for aquatic facilities shall be in accordance with the current adopted international Residential Code and National Electrical Code with city amendments found in Chapter 14, Article IV.

Section 304.4 (Protection of Equipment) is amended by deleting the text and replacing with: "Equipment and appliances located on property with 100 year flood plain limits and where a City Development Permit and/or Elevation Certificates are required shall be elevated one foot minimum above the base flood elevation as established by the City. All installations of appliances, systems, and equipment in flood hazard areas shall comply with flood-resistant construction requirements of the International Building Code."

Section 305.2.1 (Barrier height and clearances) is amended by deleting the first sentence of item #1 and replacing with the following sentences: "The top of the barrier shall be not less than 48" above grade for residential pools / spas and not less than 54" above grade for commercial/public and multifamily pools/spas. The height of the barrier shall be measured on the side that faces away from the pool or spa. Spa's located within a commercial or multifamily pool area and not connected or immediately next to the main pool shall have a separate 52" barrier within the pool area barrier around the spa."

2.

That all ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

3.

The Code of the City of Bryan, Texas, as amended, shall remain in full force and effect, save and except as amended by this Ordinance.

4.

Should any section, paragraph, sentence, clause, phrase or word of this Ordinance be declared unconstitutional or invalid for any purpose by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby and to this end the provisions of this Ordinance are declared to be severable.

5.

It is hereby found and determined that the meeting at which this Ordinance was passed was open to the public, as required by Section 551.001 et seq., Texas Government Code, and that advance public notice of time, place and purpose of said meeting was given.

6.

It is the intention of the City Council that this Ordinance shall become a part of the Code of the City of Bryan, Texas, and it may be renumbered and codified therein accordingly.

7.

That the City Secretary is directed to publish this Ordinance in a newspaper of general circulation in the City of Bryan in accordance with the provisions of Section 9 of the City Charter, which publication shall be sufficient if it contains the title, penalty, and effective date of this Ordinance.

8.

This Ordinance will be effective from and after its final passage and publication as required by law. The effective date of this Ordinance will be January 1, 2022.

PASSED, ADOPTED, AND APPROVED after the first and only reading on the 9th day of November, 2021, at a regular meeting of City Council of the City of Bryan, Texas, by a vote of 6 yeses and 0 noes.

ATTEST:

CITY OF BRYAN:

Mary Lynne Stratta, City Secretary

Andrew Nelson, Mayor

APPROVED AS TO FORM:

Thomas A. Leeper, Interim City Attorney