

REQUEST FOR ACTION: ORDINANCE

Version: 01/27/2014

AGENDA FOR: ☒ MAYOR ☒ COUNCIL AUTHORITY: DATE: October 7, 2016
Tulsa City Clerk's Office: 596-7513 or 596-7514

FOR INFORMATION CONTACT:

DEPARTMENT: PLANNING & DEVELOPMENT

CONTACT NAME: Dawn Warrick, Director

ADDRESS: 175 East 2nd St., Suite 560

TELEPHONE: 918-576-5447

ORDINANCE # 23601

SUBJECT: Title 51 Revised Ordinance, Chapter 5

ORDINANCE TYPE: AMENDING PREVIOUS ORDINANCE

BA or CT #:

AMENDMENT OF ORD#:

TRO TITLE:

TRO SUBTITLE:

PLANNING DISTRICT:

ZONING #:

SSID:

PUD #:

PROP/NON-PROP:

COUNCIL DISTRICT:

SUMMARY:

Amending Title 51, Tulsa Revised Ordinances, Entitled "Building Code" Chapter Five, Entitled "Residential Swimming Pools, Spas and Hot Tubs", updating to current acceptable standards.

Emergency Clause requested.

APPROVED BY MAYOR
CITY OF TULSA

DEC 05 2016

Approved By
City Council On
NOV 30 2016

BUDGET:

FINANCE DIRECTOR APPROVAL:

FUNDING SOURCE: N/A

REQUEST FOR ACTION:

All department items requiring Council approval must be submitted through the Mayor's Office.

We request that the Mayor approve this RFA and forward this new ordinance to the Council as soon as possible. Please return a copy of the approved RFA to Bob Edmiston in Legal as soon as completed.

DEPARTMENT HEAD APPROVAL:

DATE: 10/10/16

ASST CITY ATTORNEY APPROVAL:

10-07-16

BOARD APPROVAL:

PRO-TEM MAYORAL APPROVAL:

OCT 17 2016

OTHER:

FOR CITY COUNCIL OFFICE USE ONLY:

COMMITTEE:

COMMITTEE DATE(S):

DATE RECEIVED:

FIRST AGENDA DATE:

HEARING DATE:

SECOND AGENDA DATE:

APPROVED:

For City Clerk's Office Use Only (Agenda Date: MMDDYYYY; Sec #; Dept ##, Item ##, Sub-Item ##, Status: S=Synopsis):

12-05-2016

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03

(Published in the TULSA WORLD,

December 12, 2016.)

ORDINANCE NO. 23601

AN ORDINANCE AMENDING TITLE 51, TULSA REVISED ORDINANCES, ENTITLED "BUILDING CODE" BY AMENDING CHAPTER FIVE, ENTITLED "RESIDENTIAL SWIMMING POOLS, SPAS AND HOT TUBS," SECTION 503(5) TO INCLUDE GATES NOT EQUIPPED WITH A LOCKING DEVICE; SECTION 503(6) ADDING SWIMMING POOLS TO THE EXCEPTIONS; SECTION 504 BY ADDING A NEW B TO INCLUDE ENTRAPMENT AVOIDANCE AND RELETTERING PARAGRAPH B TO C; ADDING A VIOLATION PENALTY SECTION; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE CITY OF TULSA:

Section 1. That Title 51, Tulsa Revised Ordinances, Chapter 5, be and the same is hereby amended to read as follows:

CHAPTER 5. RESIDENTIAL SWIMMING POOLS, SPAS AND HOT TUBS

- Section 500. Regulations for Residential Swimming Pools, Spas and Hot Tubs
- Section 501. Swimming Pools
- Section 502. Spas and Hot Tubs
- Section 503. Barrier Requirements
- Section 504. Entrapment Protection for Swimming Pool and Spa Suction Outlets
- Section 505. Atmospheric Vacuum Relief System Required
- Section 506. Dual Drain Separation
- Section 507. Pool Cleaner Fittings
- Section 508. Flood Hazard Areas
- Section 509. Referenced Standards
- Section 510. Violations and Penalty

Section 500. REGULATIONS FOR RESIDENTIAL SWIMMING POOLS, SPAS AND HOT TUBS

The provisions of this chapter shall control the design and construction of swimming pools, spas and hot tubs installed in or on the lot of a one- or two-family dwelling.

Section 501. SWIMMING POOLS

- A. **In-ground pools.** In-ground pools shall be designed and constructed in conformance with *American National Standards Institute/National Spa and Pool Institute* (ANSI/NSPI) Standard Reference Number 5-99.
- B. **Above-ground and on-ground pools.** Above-ground and on-ground pools shall be designed and constructed in conformance with *American National Standards Institute/National Spa and Pool Institute* (ANSI/NSPI) Standard Reference Number 4-99.

Section 502. SPAS AND HOT TUBS

- A. **Permanently installed spas and hot tubs.** Permanently installed spas and hot tubs shall be designed and constructed in conformance with *American National Standards Institute/National Spa and Pool Institute* (ANSI/NSPI) Standard Reference Number 3-99.
- B. **Portable spas and hot tubs.** Portable spas and hot tubs shall be designed and constructed in conformance with *American National Standards Institute/National Spa and Pool Institute* (ANSI/NSPI) Standard Reference Number 6-99.

Section 503. BARRIER REQUIREMENTS

- A. **Application.** These design controls are intended to provide protection against potential drowning and near drowning by restricting access to swimming pools, spas and hot tubs.
- B. **Indoor and outdoor swimming pool.** An indoor or outdoor swimming pool, including an in-ground, above-ground or on-ground pool, hot tub or spa shall be provided with a barrier, which shall comply with the following:
 - 1. Private swimming pools, hot tubs and spas, containing water more than twenty-four (24) inches in depth shall be completely surrounded by a fence or barrier at least forty-eight (48) inches in height above the finished ground level measured on the side of the barrier away from the pool.
 - 2. The barrier shall have no opening in the barrier through which a spherical object four (4) inches in diameter can pass.
 - 3. Access shall be restricted as follows:
 - a. Gates and doors in such barriers shall be self-closing and self-latching.
 - b. Where the self-latching device is less than fifty-four (54) inches above the bottom of the gate, the release mechanism shall be located on the poolside of the gate. Self-closing and self-latching gates shall be maintained such that the gate will positively close and latch when released.
 - c. Hinged doors and gates shall open outward from the pool.
 - 4. For above-ground swimming pools where the sides of the pool are used as the barrier, any access ladder or steps shall be removable without tools and secured in an inaccessible position with a latching device not less than fifty-four (54) inches above the ground when the pool is not in use.
 - 5. Access gates shall comply with the requirements of Section 503.B, Items 1. through 5., and shall be equipped to accommodate a locking device.

- a. Pedestrian access gates shall open outward away from the pool and shall be self-closing and have a self-latching device.
 - b. Gates other than pedestrian access gates shall have a self-latching device.
 - c. Where gates are not equipped with a locking device, and the release mechanism of the self-latching device is located less than fifty-four (54) inches from the bottom of the gate, the release mechanism and openings shall comply with the following:
 - i. The release mechanism shall be located on the pool side of the gate at least three (3) inches below the top of the gate; and
 - ii. The gate and barrier shall have no opening larger than one-half ($\frac{1}{2}$) inch within eighteen (18) inches of the release mechanism.
6. Where a wall of a dwelling serves as part of the barrier, one (1) of the following conditions shall be met:
- a. The pool shall be equipped with an approved safety pool cover that meets all requirements of *ASTM International*, formerly the *American Society for Testing and Materials* (ASTM) Specifications F 1346-91.
 - b. The pool shall incorporate removable mesh pool fencing that meets *ASTM International*, formerly the *American Society for Testing and Materials* (ASTM) Specifications F 2286 standards in conjunction with a gate that is self-closing and self-latching and can accommodate a key lockable device.
 - c. The residence shall be equipped with exit alarms on those doors providing direct access to the pool.
 - d. All doors providing direct access from the home to the swimming pool shall be equipped with a self-closing, self-latching device with a release mechanism placed no lower than fifty-four (54) inches above the floor.
 - e. Swimming pool alarms shall be placed in pools, which will sound upon detection of accidental or unauthorized entrance into the water. These alarms shall meet and be independently certified to the *American Society for Testing and Materials* (ASTM) Standard F 2208 "Standard Specification for Pool Alarms," which includes surfaced motion, pressure, sonar, laser, and infrared type alarms.
 - f. Other means of protection, may be substituted if the degree of protection afforded is equal to or greater than that afforded by any of the devices set forth above, and have been independently verified by an approved testing laboratory as meeting standards for those devices established by the *ASTM International*, formerly the *American Society for Testing and Materials* (ASTM) or the *American Society of Mechanical Engineers* (ASME), or as approved by the Building, Housing and Fire Prevention Appeals Board.

Exception: Swimming pools, spas or hot tubs with a safety cover, which complies with *ASTM International*, formerly the *American Society for Testing and Materials* (ASTM) F 1346-91, as listed in Section 107, shall be exempt from these provisions.

Section 504. Entrapment protection for swimming pool and spa suction outlets.

- A. **General.** Suction outlets shall be designed to produce circulation throughout the pool or spa. Single-outlet systems, such as automatic vacuum cleaner systems, or multiple suction outlets, whether isolated by valves or otherwise, shall be protected against user entrapment.
- B. **Entrapment avoidance.** Suction outlets shall be designed and installed in accordance with ANSI/APSP-7.
- C. **Suction fittings.** Pool and spa suction outlets shall have a cover that conforms to *American National Standards Institute/National Spa and Pool Institute* (ANSI/NSPI) Standard Reference Number A112.19.8-2007, entitled *Suction Fittings for Use in Swimming Pools, Wading Pools, Spas, and Hot Tubs*, or an eighteen (18) inch by twenty-three (23) inch (eighteen (18) inches × twenty-three (23) inches) drain grate or larger, or an approved channel drain system.

Exception: Surface pool skimmers do not have to conform to ANSI/NSPI Standard.

Section 505. ATMOSPHERIC VACUUM RELIEF SYSTEM REQUIRED

Pool and spa single- or multiple-outlet circulation systems shall be equipped with atmospheric vacuum relief with a manual release button. The vacuum relief system shall include at least one (1) approved or engineered method of the type specified as follows:

- A. Safety vacuum release system conforming to *American Society of Mechanical Engineers* (ASME) Standard Reference Number A112.19.17, entitled *Manufacturers Safety Vacuum Release Systems (SVRS) for Residential and Commercial Swimming Pool, Spa, Hot Tub and Wading Pool*; or
- B. A Gravity Drainage circulation system which is designed by an Engineer licensed in the state of Oklahoma.

Section 506. DUAL DRAIN SEPARATION

Single or multiple pump circulation systems shall have a minimum of two (2) suction outlets of the approved type. A minimum horizontal or vertical distance of three (3) feet shall separate the outlets. These suction outlets shall be piped so that water is drawn through them simultaneously through a vacuum-relief-protected line to the pump or pumps.

Section 507. POOL CLEANER FITTINGS

Where provided, vacuum or pressure cleaner fitting(s) shall be located in an accessible position(s) at least six (6) inches and not more than twelve (12) inches below the minimum operational water level or as an attachment to the skimmer(s).

Section 508. FLOOD HAZARD AREAS

508.1 General. The provisions of Section 508 shall control the design, construction and installation of pools and spas in flood hazard areas.

508.2 Determination of impacts based on location. Pools and spas located in flood hazard areas indicated in Title 51 TRO Chapters 1 and 2 shall comply with Section 508.2.1 or 508.2.2.

Exception: Pools and spas located in riverine flood hazard areas that are outside of designated floodways.

508.2.1 Pools and spas located in designated floodways. Where pools and spas are located in designated floodways, documentation shall be submitted to the code official that demonstrates that the construction of the pools and spas will not increase the design flood elevation at any point within the jurisdiction.

508.2.2 Pools and spas located where floodways have not been designated. Where pools and spas are located where design flood elevations are specified but floodways have not been designated, the applicant shall provide a floodway analysis that demonstrates that the proposed pool or spa and any associated grading and filling will not increase the design flood elevation more than one (1) foot at any point within the jurisdiction.

508.3 Protection of equipment. Equipment shall be elevated at least one (1) foot above the design flood elevation or be anchored to prevent flotation, and protected to prevent water from entering or accumulating within the components during conditions of flooding. An elevation certificate verifying the lowest elevation of mechanical, electrical, or utility equipment servicing the pool or spa shall be provided to the code official for approval pursuant to Title 51 TRO Chapter 2 Section R109.1.3.1.

Section 509. REFERENCED STANDARDS

Within this chapter, the following standards are specifically referred to, adopted and made a part of this chapter, as if fully set out, with amendments thereto, to read as follows:

ANSI	American National Standards Institute 11 West 42nd Street New York, NY 10036
NSPI	National Spa and Pool Institute 2111 Eisenhower Avenue Alexandria, VA 22314
ANSI/NSPI Standard reference number	Title
3-99	Standard for Permanently Installed Residential Spas
4-99	Standard for Above-ground/On-ground Residential Swimming Pools
5-99	Standard for Residential In-ground Swimming Pools AG103.1
6-99	Standard for Residential Portable Spas
5-2003	Standard for Residential In-ground Swimming Pools
A112.19.8-2007	Suction Fittings for Use in Swimming Pools, Wading Pools, Spas, and Hot Tubs

ASTM	ASTM International Formerly the American Society for Testing and Materials 100 Barr Harbor Drive West Conshohocken, PA 19428
ASTM Standard reference number	Title
F1346-91 (2003)	Performance Specification for Safety Covers and Labeling Requirements for All Covers for Swimming Pools, Spas and Hot Tubs
ASME	American Society of Mechanical Engineers Three Park Avenue New York, NY 10016-5990
ASME Standard reference number	Title
A112.19.17	Manufacturers Safety Vacuum Release Systems (SVRS) for Residential and Commercial Swimming Pool, Spa, Hot Tub and Wading Pool

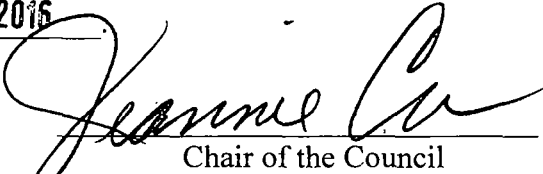
Section 510. Violations and penalty.

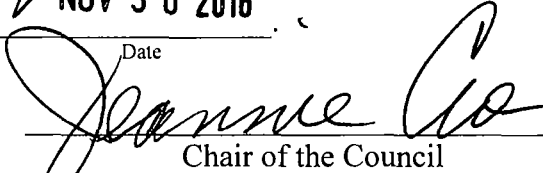
It shall be unlawful and a misdemeanor offense for any person, firm, corporation, limited liability company or other entity to violate any of the provisions of this code, fail to comply with any of the requirements thereof, or to erect, construct, alter, repair or change the occupancy of any building or structure in violation of an approved plan or directive of the building official or of a permit or certificate issued under the provisions of this code. Any person, firm, corporation, limited liability company or other entity convicted of a violation of this code shall be guilty of a misdemeanor offense and shall be punished by a fine of not more than One Thousand Two Hundred Dollars (\$1,200.00), excluding costs, fees, and assessments, or by imprisonment for a period not exceeding six (6) months, or by both such fine and imprisonment. Each day, or portion thereof, during which a violation is committed, or continued, shall be deemed a separate offense."

Section 2. SEVERABILITY CLAUSE. If any section, sentence, clause or phrase of this ordinance or any part thereof is for any reason found to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remainder of this ordinance or any part thereof.

Section 3. **REPEAL OF CONFLICTING ORDINANCES.** That all ordinances or parts of ordinances in conflict herewith be and the same are now expressly repealed.

Section 4. **EMERGENCY CLAUSE.** That an emergency is now declared to exist for the preservation of the public peace, health and safety, by reason whereof this ordinance shall take effect immediately from and after its passage, approval and publication.

ADOPTED by the Council: NOV 30 2016
Date

Chair of the Council

ADOPTED as an emergency measure: NOV 30 2016
Date

Chair of the Council

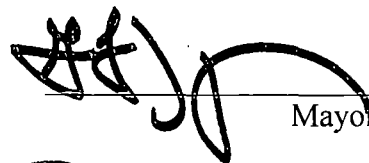
OFFICE OF THE MAYOR


Received by the Mayor: _____, at _____
Date Time

G.T. Bynum, Mayor

By _____
Secretary

APPROVED by the Mayor of the City of Tulsa, Oklahoma: DEC 05 2016
Date
at _____
Time


Mayor

(Seal)
ATTEST: 
Deputy City Clerk



APPROVED: 
City Attorney vre