CITY OF EL PASO, TEXAS
DEPARTMENT HEAD'S SUMMARY REQUEST FOR COUNCIL ACTION (RCA)

DEPARTMENT: **DEVELOPMENT SERVICES**

AGENDA DATE: **APRIL 15, 2008**

CONTACT PERSON/PHONE: **LARRY F. NICHOLS, DEVELOPMENT SERVICES, (915)**

DISTRICT(S) AFFECTED: **ALL**

SUBJECT:

Discussion and action on an ordinance amending Title 18 (Building and Construction), Chapter 18.10 (Residential Code) Section 18.10.310 (Appendix G, Swimming Pools, Spas, and Hot Tubs) of the El Paso City Code; changing the May 1, 2008 effective date to July 1, 2008 and changing the extended period of compliance for existing swimming pools in certain circumstances from May 1, 2009 to July 1, 2009 by amending section 18.10.310 Appendix G 2003, Section 18.10.310.1 Appendix G 2008 and Section 18.10.310.105 AG 105.5; with penalties not to exceed two-thousand dollars ($2,000.00) per day per violation as provided in Section 18.02.107 of the El Paso City Code.

CITY CLERK DEPT.
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BACKGROUND / DISCUSSION:

N/A

PRIOR COUNCIL ACTION:

N/A

AMOUNT AND SOURCE OF FUNDING:

N/A

BOARD / COMMISSION ACTION:

N/A

**********REQUIRED AUTHORIZATION**********

LEGAL: (if required) _____ **FINANCE:** (if required) _____

DEPARTMENT HEAD: _____
Larry F. Nichols, Building Permits & Inspections Deputy Director

OTHER: _____
(Example: if RCA is initiated by Purchasing, client department should sign also)
Information copy to appropriate Deputy City Manager

APPROVED FOR AGENDA:

CITY MANAGER: _____ **DATE:** _____

ORDINANCE NO.: _____

AN ORDINANCE AMENDING TITLE 18 (BUILDING AND CONSTRUCTION), CHAPTER 18.10 (RESIDENTIAL CODE) SECTION 18.10.310 (APPENDIX G, SWIMMING POOLS, SPAS AND HOT TUBS) OF THE EL PASO CITY CODE; CHANGING THE MAY 1, 2008 EFFECTIVE DATE TO JULY 1, 2008 AND CHANGING THE EXTENDED PERIOD OF COMPLIANCE FOR EXISTING SWIMMING POOLS IN CERTAIN CIRCUMSTANCES FROM MAY 1, 2009 TO JULY 1, 2009 BY AMENDING SECTION 18.10.310 APPENDIX G 2003, SECTION 18.10.310.1 APPENDIX G 2008 AND SECTION 18.10.310.105 AG 105.5; WITH PENALTIES NOT TO EXCEED TWO-THOUSAND DOLLARS ($2,000.00) PER DAY PER VIOLATION AS PROVIDED IN SECTION 18.02.107 OF THE EL PASO CITY CODE.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

Section 1. That Sections 18.10.310 Appendix G 2003, 18.10.310.1 Appendix G 2008 and 18.10.301.105.5 of the El Paso City Code, Swimming Pools, Spas and Hot Tubs is amended as follows:

18.10.310 Appendix G 2003 - Adopted--Swimming pools, spas and hot tubs.

The "International Residential Code for One- and Two-Family Dwellings," Appendix G--Swimming Pools, Spas and Hot Tubs (hereafter "Appendix G 2003"), is adopted in its entirety and shall apply to all swimming pools, spas and hot tubs installed prior to July 1, 2008 or for which final inspection approval is obtained prior to July 1, 2008 except as provided in 18.10.310.105.5 or, except as provided in 18.10.030 Section R 101.

18.10.310.1 Appendix G 2008 – Adopted - Swimming Pools, Spas and Hot Tubs. Sections 18.10.310.101 through 18.10.310.108 (hereafter

"Appendix G 2008") shall apply to all swimming polls, spas and hot tubs installed on or after July 1, 2008 or for which final inspection approval is obtained on or after July 1, 2008 and as provided in 18.10.310.105.5.

18.10.310.105 Section AG 105 Barrier Requirements

AG105.5 Barrier exceptions.

5.1 Portable spas and hot tubs with a safety cover that complies with ASTM F 1346, as listed in section 18.10.310.108 (AG 108), shall be exempt from the provisions of this Appendix G 2008.

5.2 For spas and hot tubs, a hard safety cover which is latched or locked may be used, provided the spa or hot tub is not more than 8 feet (2.44m) in width at any point.

5.3. Existing swimming pools, spas and hot tubs installed prior to July 1, 2008 or for which final inspection approval is obtained prior to July 1, 2008 shall comply with Appendix G 2003, except that on or after July 1, 2009 the requirements in Appendix G 2008 shall be met whenever:

5.3.1 One or more children under six years of age become an occupant of the property.

5.3.2 There is a change of use or character to the primary building occupancy on the property.

5.3.3 A new pool or spa is being installed on the same property or changes or additions are made to the existing spa and or swimming pool.

Section 2. Except as herein amended, Title 18 of the El Paso City Code shall remain in full force and effect.

ADOPTED THIS _____ day of April 2008.

CITY OF EL PASO

John F. Cook, Mayor

ATTEST:

Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:

Mark Shoesmith
Assistant City Attorney

APPROVED AS TO CONTENT:

Larry F. Nichols
Deputy Director,
Development Services Department