

Memorandum



DATE April 22, 2016
TO Honorable Members of the Quality of Life & Environment Committee: Sandy Greyson (Chair),
Tiffinni A. Young (Vice Chair), Rickey D. Callahan, Mark Clayton, Philip T. Kingston, B. Adam McGough
SUBJECT Consumer Health Update - Proposed Amendments to Chapter 43A – Swimming Pools

An agenda item with proposed amendments to Chapter 43A – Swimming Pools will be scheduled for Council consideration on Wednesday, May 25, 2016. The amendments adopt the Texas Department of State Health Services (TDSHS) – Standards for Public Pools and Spas and the Texas Health & Safety Code for Pool Yard Enclosures. The amendments expand definitions and add new facility maintenance, water quality and safety equipment requirements.

The Department of Code Compliance regulates the operation of public pools (hotels, fitness centers, multi-tenant properties, etc.). The current and proposed amendments do not apply to pools serving one and two family dwellings and do not impact pool design and construction requirements in Chapter 43A.

The following attachments are included for review:

- Appendix A – Draft copy of the proposed ordinance that will be presented to City Council on May 25, 2016 for adoption;
- Appendix B – Summary of changes; and
- Appendix C – Texas Administrative Code Title 25, Part 1, Chapter 265, Subchapter L (Standards for Public Pools and Spas) and Texas Health & Safety Code, Chapter 757 Pool Yard Enclosures.

Please contact me if you have any questions or need additional information.



Joey Zapata

Assistant City Manager

Attachment

c: Honorable Mayor and Members of the City Council
A.C. Gonzalez, City Manager
Warren M.S. Ernst, City Attorney
Craig D. Kinton, City Auditor
Rosa A. Rios, City Secretary
Daniel F. Solis, Administrative Judge
Ryan S. Evans, First Assistant City Manager

Jill A. Jordan, P.E., Assistant City Manager
Eric D. Campbell, Assistant City Manager
Mark McDaniel, Assistant City Manager
Jeanne Chipperfield, Chief Financial Officer
Sana Syed, Public Information Officer
Elsa Cantu, Assistant to the City Manager – Mayor & Council

ORDINANCE NO. _____

An ordinance amending Chapter 43A, “Swimming Pools,” of the Dallas City Code by amending Sections 43A-1, 43A-3, 43A-6, 43A-20 and 43A-21; amending Article I, “General Provisions,” and Article III, “Maintenance and Operation of Swimming Pools”; amending definitions; increasing enforcement authority; amending safety standards for public and semi-public pools and spas; adding regulations for private multiunit pools by reference to Chapter 757 of the Texas Health and Safety Code; 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 Title 25, Chapter 265, Section 182, of the Texas Administrative Code, as amended.

(b) In 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.

Appendix A

(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-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.

The director 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. The director will have any additional authority granted to the city under the provisions of Title 25, Section 265, Subsection 207 of the Texas Administrative Code, as amended. Water samples from a pool may be taken. If a reinspection is required, the fee for the reinspection is \$43.”

SECTION 3. That Section 43A-3.1, “Incorporation of Health and Safety Code Regulations Relating to Multiunit Pool Enclosures,” of Article I, “General Provisions,” of Chapter 43A, “Swimming Pools,” of the Dallas City Code is added to read as follows:

“Sec. 43A-3.1. INCORPORATION OF HEALTH AND SAFETY CODE REGULATIONS RELATING TO MULTIUNIT POOL ENCLOSURES.

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

SECTION 4. 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:

Appendix A

“(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. ~~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 5. That Article III, “Maintenance and Operation of Swimming Pools,” of Chapter 43A, “Swimming Pools,” of the Dallas City Code is amended to read as follows:

“ARTICLE III.

MAINTENANCE AND OPERATION OF SWIMMING POOLS.

Texas Administrative Code Title 25, Chapter 265, “General Sanitation,” Subchapter L, “Standards for Public Pools and Spas Rules” Section 199 (a)-(k), Sections 200-204, figure 204(a), and figure 205 (f) are hereby adopted and made a part of this chapter by reference.”

SECTION 6. 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) ~~[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.~~

(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 is used, a residual level shall be maintained of one part per million of chlorine, or greater.

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

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

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

Appendix A

(e[~~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.

(f[~~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 7. 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, Chapter 265, “General Sanitation,” Subchapter L, “Standards for Public Pools and Spas Rules” Section 199, “Specific Safety Features for Post-10/01/99 and Pre-10/01/99 Pools and Spas,” Subsection (b), paragraph (3) and Subsection (i) paragraph (1), subparagraphs (A)-(B) 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 8. That a person violating a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$2,000.

SECTION 9. That Chapter 43A of the Dallas City Code shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 10. 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 11. 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.

Appendix A

APPROVED AS TO FORM:

_____, Interim City Attorney

By _____
Assistant City Attorney

Passed _____

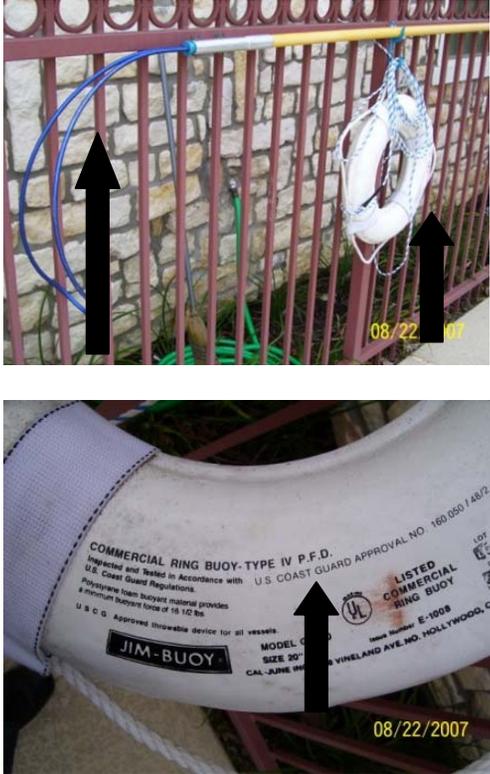
Appendix B - Summary of Recommended Changes to Chapter 43A (Swimming Pools)

Article	Title	Code Reference	Proposed Change	Recommendation
I.	General Provisions	Definitions - 43A-1 (6).	Remove: <u>6) SWIMMING POOL or POOL means a structure that is used for swimming, bathing, or water play, including all equipment and appurtenant facilities.</u>	Adopt definitions included in Texas Administrative Code 265.182 and Texas Health & Safety Code – Chapter 757.
II.	Pool Design and Construction	Depth and Slope; Depth Markings - Sec.43A-6 (e).	Remove: <u>Markings must be in numerals of a minimum height of four inches and in a color contrasting with the background.</u>	Adopt Texas Administrative Code 265.199(c) & (d). 

Appendix B - Summary of Recommended Changes to Chapter 43A (Swimming Pools)

Article	Title	Code Reference	Proposed Change	Recommendation
III.	Maintenance and Operation of Swimming Pools	Quality of Water; Public and Semi-Public Pools - Sec.43A-20 (a).	Remove: (a) <u>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.</u>	<p>Adopt Texas Administrative Code 265.204(a) – (d) – water quality and testing requirements.</p> <p><u>MAINTAIN SANITIZER</u></p> <p><u>CHLORINE</u></p> <p> Pools: 1.0 ppm to 8.0 ppm</p> <p> Spas: 2.0 ppm to 8.0 ppm</p> <p><u>BROMINE</u></p> <p> Pools: 2.5 ppm to 12.0 ppm</p> <p> Spas: 4.5 ppm to 12.0 ppm</p> <p><u>MAINTAIN pH</u></p> <p><u>ACIDITY/ALKALINITY</u></p> <p> Acceptable: 7.0 to 7.8</p> <p> Ideal: 7.4 to 7.6</p>
III.	Maintenance and Operation of Swimming Pools	Quality of Water; Public and Semi-Public Pools - Sec.43A-20 (b).	Remove: (b) <u>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.</u>	<p>Adopt Texas Administrative Code 265.203(b).</p>  <p>Unable to see the drain in this pool</p>

Appendix B - Summary of Recommended Changes to Chapter 43A (Swimming Pools)

Article	Title	Code Reference	Proposed Change	Recommendation
III.	Maintenance and Operation of Swimming Pools	Safety Equipment - Sec.43A-21 (1) (2).	<p>Remove: <u>-The following safety equipment must be available for use at anytime a public or semi-public pool is open:</u></p> <p><u>(1) a life pole or shepherd's crook pole capable of reaching each part of a pool; and</u></p> <p><u>(2) A guard line separating the shallow portion from the deep portion of a pool at the break point depth.</u></p>	<p>Adopt Texas Administrative Code 265.199(b) (3) and (i) (1(A) (B).</p> 

Appendix B - Summary of Recommended Changes to Chapter 43A (Swimming Pools)

Article	Title	Code Reference	Proposed Change	Recommendation
III.	Maintenance and Operation of Swimming Pools		New	<p>Adopt Texas Administrative Code 265.199 (a)-(k) - addresses handhold rails; float lines, floor markings, depth markers, no diving signs, telephones, lighting, and safety equipment.</p>   <div style="border: 1px solid black; padding: 2px; width: fit-content; margin: 5px auto;"> <p>Properly installed and secure steps</p> </div>

Appendix B - Summary of Recommended Changes to Chapter 43A (Swimming Pools)

Article	Title	Code Reference	Proposed Change	Recommendation
III.	Maintenance and Operation of Swimming Pools		New	Adopt Texas Administrative Code 265.199 (a)-(k) - addresses handhold rails; float lines, floor markings, depth markers, no diving signs, telephones, lighting, and safety equipment.
				 

Appendix B - Summary of Recommended Changes to Chapter 43A (Swimming Pools)

Article	Title	Code Reference	Proposed Change	Recommendation
III.	Maintenance and Operation of Swimming Pools		New	<p data-bbox="1339 386 1780 493">Adopt Texas Administrative Code 265.200 - addresses pool yard enclosures.</p> <div style="display: flex; flex-direction: column; align-items: center;">   <div data-bbox="1640 1045 1829 1224" style="border: 1px solid black; padding: 5px; margin-top: 10px;"> <p>Chain link fence not allowed post 10/1/99</p> </div> </div>

Appendix B - Summary of Recommended Changes to Chapter 43A (Swimming Pools)

Article	Title	Code Reference	Proposed Change	Recommendation
III.	Maintenance and Operation of Swimming Pools		New	Adopt Texas Administrative Code 265.201 - Dressing and sanitary facilities.
III.	Maintenance and Operation of Swimming Pools		New	Adopt Texas Administrative Code 265.202 - Limits food, beverages and certain types of containers.
III.	Maintenance and Operation of Swimming Pools		New	Adopt Texas Administrative Code 265.203 - Requires management of the pool and certification for class A, B or D pools.
III.	Maintenance and Operation of Swimming Pools		New	Adopt Texas Administrative Code 265. 205(f) - Requires safety equipment at a spa.
I.	General Provisions		New	Adopt Texas Administrative Code 265.207 - Addresses compliance, inspections and investigations – advance notice or permission for inspection is not required. The regulatory agency has the right to enter at all reasonable times.
I.	General Provisions	New	Add Texas Health & Safety Code - Chapter 757 - Pool Yard Enclosures.	Adopt Texas Health & Safety Code = Chapter 757 – Pool Yard Enclosures. Add requirements for enclosures at “multiunit rental complex”.

Appendix C

- Texas Administrative Code (Last Updated: December 5, 2014)
 - TITLE 25. HEALTH SERVICES
 - PART 1. DEPARTMENT OF STATE HEALTH SERVICES
 - CHAPTER 265. GENERAL SANITATION
 - SUBCHAPTER L. STANDARDS FOR PUBLIC POOLS AND SPAS

SECTION 265.182. Definitions

Latest version.

The following words and terms when used in this chapter shall have the following meanings unless the context clearly indicates otherwise.

- (1) Above-ground pool or spa--A removable pool or spa of any shape that is located on the surrounding earth or a pool or spa package located in an excavation below the ground level that may be readily disassembled or stored and reassembled.
- (2) Actual water level--The water level at any particular point in time, which may vary with specific conditions such as rainfall or number of users. (See definition (47) "Design water level" and (88) "Operating water level range".)
- (3) Algae--Microscopic plant-like organisms that contain chlorophyll and include green, blue-green or black brown, and yellow-green (mustard) algae.
- (4) Algicide--A natural or synthetic substance used for killing, destroying, or controlling algae.
- (5) Alkalinity--The amount of bicarbonate, carbonate or hydroxide compounds present in water solution. (See definition (143) "Total alkalinity".)
- (6) Approved cover or approved drain cover--A suction outlet drain cover that meets the requirements of §265.190(c)(1) of this title (relating to Suction Outlets and Return Inlets at Post-10/01/99 and Pre-10/01/99 Pools and Spas).
- (7) Approved grate--A suction outlet grate that meets the requirements of §265.190(c)(2) of this title.

Appendix C

(8) ACI--American Concrete Institute, P.O. Box 9094, Farmington Hills, Michigan 48333-9094, telephone (248) 848-3800.

(9) ANSI--American National Standards Institute, 25 West 43rd Street (4th Floor), New York, New York 10036, telephone (212) 642-4900.

(10) ANSI/NSPI-1 1991--American National Standards Institute and National Spa and Pool Institute Standards for Public Swimming Pools adopted in 1991.

(11) ANSI/NSPI-2 1992--American National Standards Institute and National Spa and Pool Institute Standards for Public Spas adopted in 1992.

(12) ARC--American Red Cross, 8111 Gatehouse Road, Falls Church, Virginia 22042, telephone (703) 206-6000.

(13) ASHRAE--American Society of Heating, Refrigeration and Air-Conditioning Engineers, Inc., 1791 Tullie Circle NE, Atlanta, Georgia 30329-2305, telephone (800) 527-4723.

(14) ASME--American Society of Mechanical Engineers, 22 Law Drive, P.O. Box 2900, Fairfield, New Jersey 07007-2900, telephone (800) 843-2763.

(15) ASPSA--American Swimming Pool and Spa Association, 1108 Little River Dr., Elizabeth City, North Carolina 27909, telephone (252) 331-2301.

(16) ASTM--American Society of Testing Materials, 100 Barr Harbor Drive, West Conshohocken, Pennsylvania 19428-2959, telephone (610) 832-9500.

(17) Available chlorine--Rating of chlorine containing products for total oxidizing power. (See definition (62) "Free available chlorine".)

(18) AVS--An atmospheric vent system, as described in §296.190(d)(3)(A) of this title for minimizing risk of entrapment.

(19) Backwash--The process of cleansing the filter medium and/or elements by the reverse flow of water through the filter.

(20) Backflow prevention device--A device that is designed to prevent a physical connection between a potable water system and a non-potable source such as a pool or spa, or a physical connection between a pool or spa and a sanitary sewer or wastewater disposal system. (See definition (41) "Cross-connection control device".)

Appendix C

- (21) Bacteria--Single-celled microorganisms of various forms, some of which cause infections or disease.
- (22) Beginner's areas--Water areas that are 3 feet or less in depth in a pool.
- (23) Bleeder valve--A device that allows air to be vented from a closed system. (See definition (154) "Valve".)
- (24) Bonded--The permanent joining of metallic parts to form an electrically conductive path that will ensure electrical continuity and the capacity to conduct safely any current likely to be imposed in order to minimize the risk of electrocution. Examples of bonding are the installation of a metal wire from a pool or spa pump to the rebar in the pool or spa wall, or interconnecting all rebar in a pool or spa wall by metal wire prior to pouring concrete in the wall.
- (25) Breakpoint--The practice of adding a sufficient amount of chlorinating compound to water to destroy chlorine demand compounds and any combined chlorine, which is present. Generally, the level of chlorine added is 10 times the level of combined chlorine in the water. (See definition (132) "Super chlorination".)
- (26) Breakpoint chlorination--The addition of a sufficient amount of chlorine to water to destroy the chlorine demand compounds and any combined chlorine that is present. (See definition (132) "Super chlorination".)
- (27) Broken stripe--A horizontal stripe that is at least 1 inch wide with uniform breaks in the stripe, with the breaks totaling not more than 75% of the length of the stripe and stripe breaks.
- (28) Bromine--A chemical element (Br₂) that exists as a liquid in its elemental form or as part of a chemical compound that is a biocide agent used to disinfect pool or spa water.
- (29) Chemical feeder--A mechanical device for applying chemicals to pool or spa water.
- (30) Chloramine--A compound formed when chlorine combines with nitrogen or ammonia that when found in significant amounts in a pool or spa, may cause eye and skin irritation and may have an objectionable odor.
- (31) Chlorinator--A device to apply or to deliver a chlorine disinfectant to water at a controlled rate.

Appendix C

(32) Chlorine--A chemical element (Cl₂) that exists as a gas in its elemental form or as a part of chemical compound that is an oxidant. Chlorine is a biocide agent used to disinfect pool or spa water.

(33) Chlorine demand compounds--Organic matter, chloramines, and other such compounds that chlorine reacts with and that depletes chlorine.

(34) Chlorine Institute--Chlorine Institute, 2001 L Street North West, Suite 506, Washington, D.C. 20036-4919, telephone (202) 775-2790.

(35) Circulation equipment--The mechanical components that are a part of a circulation system on a pool or spa. Circulation equipment may include but is not limited to, categories of pumps; hair and lint strainers; filters; valves; gauges; meters; heaters; surface skimmers; inlet/outlet fittings; and chemical feeding devices. The components have separate functions, but when connected to each other by piping, perform as a coordinated system for purposes of maintaining pool or spa water in a clear, sanitary, and desirable condition for use.

(36) Circulation system--An arrangement of mechanical equipment or components, connected by piping to a pool or spa in a closed circuit. The function of a circulation system is to direct water from the pool or spa, causing it to flow through the various system components for purposes of clarifying, heating, purifying, and returning the water back to the original body of water.

(37) Combined chlorine--The portion of the total chlorine pre-10/01/99 in water in chemical combination with ammonia, nitrogen, and/or organic compounds, mostly comprised of chloramines. Combined chlorine plus free chlorine equals total chlorine.

(38) Construction date--The date that a building permit for construction of the pool or spa is issued by a municipality or, if no building permit is required, written documentation of the date that excavation or electrical service to the pool or spa begins, whichever is first.

(39) Coping--The cap on the pool or spa wall that provides a finishing edge around the pool or spa. The coping can be formed, cast in place or pre-cast, or pre-fabricated from metal or plastic materials.

(40) CPSC--United States Consumer Product Safety Commission, Washington, D.C. 20207, telephone (800) 638-2772.

Appendix C

- (41) Cross-connection control device--A device that is designed to prevent a physical connection between a potable water system and a non-potable source such as a pool or spa, or a physical connection between a pool or spa and a sanitary sewer or wastewater disposal system. (See definition (20) "Backflow prevention device".)
- (42) Cyanuric acid--A chemical that helps reduce the excess loss of chlorine in water due to the ultraviolet rays of the sun.
- (43) Decks--Areas immediately adjacent to or attached to a pool or spa that are specifically constructed or installed for sitting, standing, or walking.
- (44) Deep areas--Water levels in pools that are over 5 feet deep.
- (45) Department--The Texas Department of Health, General Sanitation Division, 1100 West 49th Street, Austin, Texas 78756, telephone (512) 834-6635.
- (46) Depth (pool or spa depth)--The vertical distance measured at 3 feet from the pool or spa wall from the bottom of the pool or spa to the design water level.
- (47) Design water level--The design water level defined in either of the following ways:
- (A) skimmer system--The design water level shall be at the midpoint of the operating range of the skimmers; or
 - (B) overflow system--The design waterline shall be at the top of the overflow rim of the gutter system.
- (48) DPD--A chemical testing reagent (N,N-Diethyl-P-Phenylenediamine) used to measure the levels of free chlorine or bromine in water by yielding a series of colors ranging from light pink to dark red.
- (49) Disinfectant--Energy or chemicals used to kill undesirable or pathogenic (disease causing) organisms, and having a measurable residual at a level adequate to make the desired kill.
- (50) Disinfectant equipment--Equipment designed to apply or deliver a disinfectant (such as chlorine or bromine) at a controlled rate.

Appendix C

(51) Diving board--A recreational mechanism for entering a pool, consisting of semi-rigid board that derives its elasticity through the use of a fulcrum mounted below the board.

(52) Diving equipment for competition--Competitive diving boards and fulcrum-setting diving stands intended to provide adjustment for competitive diving.

(53) Dwelling or rental dwelling--One or more rooms rented to one or more persons where a Class C pool or spa or a Class D pool is located.

(54) Effective filter area--Total surface area through which designed flow rate will be maintained during filtration.

(55) Effluent--The water that flows out of a filter, pump, or other device.

(56) Facility(ies)--The pool or spa, restrooms, dressing rooms, equipment rooms, deck, enclosure, and other appurtenances directly serving the pool or spa area.

(57) Feet of head--A basis for indicating the resistance in a hydraulic system, equivalent to the height of a column of water that would cause the same resistance (100 feet of head equals 4.3 pounds per square inch). The dynamic head is the sum of all resistances in a complete operating system.

(58) Filter--A device that removes undissolved particles from water by recirculating the water through a porous substance (filter media or element).

(59) Filter element--A device within a filter tank designed to entrap solids and conduct water to a manifold, collection header, pipe, or similar conduit and return it to the pool or spa. A filter element usually consists of a septum and septum support, or a cartridge.

(60) Filter media--A finely graded material (for example, sand, diatomaceous earth, polyester fabric, and anthracite) that removes filterable particles from the water.

(61) Floor--The interior bottom surface of a pool or spa.

(62) Free available chlorine--That portion of the total chlorine remaining in chlorinated water that is not combined with ammonia or nitrogen compounds and that will react chemically with undesirable or pathogenic organisms. Combined chlorine plus free chlorine equals total chlorine.

Appendix C

(63) Handhold--A ledge, coping, rope, railing, deck, or similar construction along the immediate top edge of the pool that provides a slip-resistant surface or grip.

(64) Handrail--A railing that is intended to be gripped for resting and/or steadying a person while entering or exiting a pool or spa and that is typically part of a ladder, a set of steps, or deck-installed equipment.

(65) Hardness--The amount of calcium and magnesium dissolved in water measured by a chemical test kit and expressed as parts per million (ppm) of equivalent calcium carbonate.

(66) Heat exchanger--A device with coils, tubes or plates that absorbs heat from any fluid, liquid or air, and transfers that heat to another fluid without intermixing the fluids.

(67) Heat pump--A refrigeration compressor, usually electrically driven, that is operated in reverse. To obtain heat, the evaporator side (cooling coil) is exposed to warm water, air or ground. The evaporator coil absorbs the heat from this source and transfers it to the condenser coil where it discharges the heat to the pool or spa to be heated.

(68) Hot tub--A spa constructed of wood with sides and bottoms formed separately and joined together by pressure from surrounding hoops, bands, or rods; distinct from spa units formed of plastic, concrete, metal, or other materials.

(69) IESNA--Illuminating Engineering Society of North America, 120 Wall Street, Floor 17, New York, New York 10005-4001, telephone (212) 248-5000.

(70) Influent--The water entering a filter or other device.

(71) Jump board--A recreational mechanism for entering a pool that has a coil spring or comparable device located beneath the board which is activated by the force exerted in jumping on the board.

(72) Labeled--Equipment or material to which has been attached a label, symbol, or other identifying mark of an organization that is acceptable to the authority having jurisdiction and concerned with product evaluation that maintains periodic inspection of production of labeled equipment or materials and by whose labeling the manufacturer indicates compliance with appropriate standards or performance in a specified manner.

(73) Ladders--

Appendix C

(A) Deck ladder--A ladder ascending from ground level outside the pool or spa to the level of a deck.

(B) In-pool or in-spa ladder--A ladder located in a pool or spa to provide ingress and egress from the deck.

(74) Listed--Equipment or materials included in a list published by an organization acceptable to the authority having jurisdiction and concerned with product evaluation, that maintains periodic inspection of production of listed equipment or materials, and whose listing states either that the equipment or material meets appropriate designated standards or has been tested and found suitable for use in a specified manner.

(75) Local regulatory authority--The local enforcement body or authorized representative having jurisdiction over pools, spas, and associated facilities.

(76) May--An advisory statement or a good practice and is not legally required.

(77) MSHA--Mine Safety and Health Administration, 2002 Thayer Center, Oakland, Maryland 21550, telephone (301) 334-3831.

(78) Multi-port valve--A device that allows the multi-directional control of the passage or flow of water through a system. (See definition (154) "Valve".)

(79) NEC--National Electric Code, published by NFPA. (See definition (81) "NFPA".)

(80) NEMA--National Electric Manufacturers Association, 1300 N. 17th Street, Suite 1847, Rosslyn, Virginia 22209, telephone (703) 841-3200.

(81) NFPA--National Fire Protection Association, 11 Tracy Drive, Avon, Massachusetts 02322, telephone (800) 344-3555.

(82) NO_x--(also written no_x) Nitrogen oxides or the sum of the nitric oxide and nitrogen dioxide found in the flue gas or emission point of a source.

(83) NRPA--National Recreation and Park Association, 650 West Higgins Road, Hoffman Estates, Illinois 60195-3402, telephone (847) 843-7529.

(84) NSF_I--NSF International, (National Sanitation Foundation International), 789 N. Dixboro Drive, Ann Arbor, Michigan 48115, telephone (800) 673-6275.

Appendix C

(85) NSPF--National Swimming Pool Foundation, 224 East Cheyenne Mountain Blvd., Colorado Springs, CO 80906, telephone (719) 540-9119.

(86) NSPI--National Swimming Pool Institute, 2111 Eisenhower Avenue, Alexandria, Virginia 22314, telephone (703) 838-0083.

(87) Offset ledge--A horizontal shelf or ledge projecting toward the interior of a pool from the vertical wall that provides a safe footing for a pool user to stand on in deep areas of the pool.

(88) Operating water level range--The operating water level defined in one of the following ways:

(A) skimmer system--Two inches above to 2 inches below the midpoint of the operating range of the device, or manufacturer's maximum stated operating range; or

(B) overflow (gutter) system--The manufacturer's maximum stated operating range above the design water level.

(89) Organic matter--Perspiration, urine, fecal matter, saliva, suntan oil, cosmetics, lotions, dead skin, and similar debris introduced to water by users and the environment.

(90) ORP--The potential level of oxidation-reduction produced by strong oxidizing (sanitizing) agents in a water solution. Oxidation level is measured in millivolts by an ORP meter.

(91) OSHA--United States Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue N.W., Washington, D.C. 20210, telephone (800) 321-6742.

(92) Outlet--(See definition (131) "Suction outlet".)

(93) Overflow system--Overflows, surface skimmers, and surface water collection systems of various design and manufacture for removal of pool or spa surface water.

(94) Owner/operator--Fee title holder of the property upon which the pool or spa is located, and/or business manager, complex manager, property owners, association manager, rental agent or other individual who is in charge of the day to day operation or maintenance of the property. The owner/operator is responsible to

Appendix C

ensure that the pool or spa and associated facilities comply with state and local pool or spa design, construction, operation, and maintenance standards.

(95) Parts per million (PPM)--A unit of measurement in chemical testing that indicates the parts by weight in relation to one million parts by weight of water. For the purposes of pool or spa water chemistry, ppm is considered to be essentially identical to the term milligrams per liter (mg/L).

(96) pH--A value expressing the relative acidic or basic tendencies of a substance, such as water, as indicated by the hydrogen ion concentration. The pH is expressed as a number on the scale of zero to 14, zero being most acidic, 1 to 7 being acidic, 7 being neutral, 7 to 14 being basic and, 14 being most basic.

(97) Plaster--A type of interior finish (a mixture of cement and aggregate) that is applied to a concrete pool or spa and that is either white or meets the observable "black disk" requirement in §265.184(f) of this title (relating to General Construction and Design for Post-10/01/99 Pools and Spas) and §265.185(c) of this title (relating to General Construction and Design for Pre-10/01/99 Pools and Spas).

(98) Plummet--A line perpendicular to the water surface and extending vertically to a point located at the front end of the diving board and at the center line directly in front of the diving board.

(99) Pool--Any man-made permanently installed or non-portable structure, basin, chamber, or tank containing an artificial body of water that is used for swimming, diving, aquatic sports, or other aquatic activity other than a residential pool and that is operated by an owner, lessee, operator, licensee or concessionaire, regardless of whether a fee is charged for use. The pool may be either publicly or privately owned. The term does not include a spa or a decorative fountain that is not used as a pool. References within the standard to various types of pools are defined by the following categories.

(A) Class A pool--Any pool used, with or without a fee, for accredited competitive aquatic events such as Federation Internationale De Natation Amateur (FINA), United States Swimming, United States Diving, National Collegiate Athletic Association (NCAA), National Federation of State High School Associations (NFSHSA), events. A Class A pool may also be used for recreation.

(B) Class B pool--Any pool used for public recreation and open to the general public with or without a fee.

Appendix C

(C) Class C pool--Any pool operated for and in conjunction with:

(i) lodging such as hotels, motels, apartments, condominiums, or mobile home parks;

(ii) property owner associations, private organizations, or clubs; or

(iii) a school, college or university while being operated for academic or continuing education classes. The use of such a pool would be open to occupants, members or students, etc., and their guests but not open to the general public.

(D) Class D pool--A wading pool with a maximum water depth of 24 inches at any point.

(100) Pool yard or spa yard--An area that has a pool yard or spa yard enclosure and that contains a pool or spa.

(101) Pool yard or spa yard enclosure--A fence, wall, or combination of fences, walls, gates, windows, or doors that completely surround a pool or spa.

(102) Post-10/01/99 pool or spa--A pool or spa built on or after October 1, 1999, unless otherwise indicated. See §265.181(b) of this title.

(103) Post-10/01/99 pool and/or spa construction--The activity of building or installing a pool and/or spa structure, and its component parts, where no such structure has previously existed or where previously pre-10/01/99 pool or spa structures have been removed.

(104) Potable water--Water that is bacteriologically safe and otherwise suitable for drinking and is regulated by the Texas Commission on Environmental Quality or local regulatory authority as a drinking water system.

(105) Pre-10/01/99 pool or spa--A pool or spa built before October 1, 1999, unless otherwise indicated. See §265.181(b) of this title (relating to General Provisions).

(106) Precipitate--A solid material that is forced out of a solution by some chemical reaction and that settles out or remains as a haze in suspension (turbidity).

(107) Pressure differential--The difference in pressure between two parts of a hydraulic system, such as the influent and effluent of a filter.

Appendix C

(108) PSI--Pounds per square inch.

(109) Pump--A mechanical device, usually powered by an electric motor that causes hydraulic flow and pressure for the purpose of filtration, heating, and circulation of pool and spa water.

(110) Push-pull valve--A device that allows the dual direction control or flow of water through a system. (See definition (154) "Valve.")

(111) Rate of flow--The quantity of water flowing past a designated point within a specified time, such as the number of gallons flowing in 1 minute (gallons per minute).

(112) Regulatory authority--Any federal, state, or local enforcement body or authorized representative having jurisdiction over pools, spas, and associated facilities.

(113) Residential pool or spa--A pool or spa that is located on private property under the control of the property owner or the owner's tenant and that is intended for use by not more than two resident families and their guests. It includes a pool or spa serving only a single-family home or a duplex.

(114) Return inlet or inlet--The aperture or fitting through which the water under positive pressure returns into a pool or spa.

(115) Ring buoy--A ring-shaped floating buoy capable of supporting a user.

(116) Rope and float line--A continuous line that is not less than 1/4 inch in diameter and that is supported by buoys and attached to opposite sides or ends of a pool to separate the deep and shallow ends or mark exercise or racing lanes.

(117) Scale--The precipitate that forms on surfaces in contact with water when the hardness, pH, or total alkalinity levels are too high.

(118) Self-closing and self-latching device--A device that causes a gate to automatically fully close and latch without human or electrical power.

(119) Separation tank--A tank used in conjunction with a filter to facilitate the separation of filtrate material for disposal.

(120) Service animal--A guide dog, signal dog, or other animal trained to do work or perform tasks for the benefit of an individual with a disability, including but not

Appendix C

limited to, guiding individuals with impaired vision, alerting individuals with impaired hearing to intruders or sounds, or providing minimal protection or rescue work, such as pulling a wheelchair, or fetching dropped items.

(121) Shall--Mandatory provisions of these regulations.

(122) Shallow areas--Pool water areas that are 5 feet deep or less.

(123) Shock treatment--The practice of adding significant amounts of an oxidizing chemical to water to destroy ammonia and nitrogenous and organic contaminants in water.

(124) Skimmer weir--Part of a skimmer that adjusts automatically to small changes in water level to assure a continuous flow of water to the skimmer.

(125) Slide--A recreational feature with a flow of water and an inclined flume or channel by which a rider is conveyed downward into a pool.

(126) Slip-resistant--A surface that has been treated or constructed to significantly reduce the chance of slipping.

(127) Spa--A constructed permanent or portable structure that is 2 feet or more in depth and that has a surface area of 250 square feet or less or a volume of 3250 gallons or less and that is intended to be used for bathing or other recreational uses and is not drained and refilled after each use. It may include, but is not limited to, hydrojet circulation, hot water, cold water, mineral baths, air induction bubbles, or any combination thereof. A spa, as is defined in these rules, does not refer to a business establishment such as a day spa or a health spa. Industry terminology for a spa includes, but is not limited to, "hydrotherapy pool," "whirlpool," "hot spa," "hot tub," etc. A spa does not include a residential spa. (See definition (113) "Residential pool or spa".)

(128) Special aquatic activity device--An interactive play device, such as a slide, spray stream, or similar item, utilizing water that is recirculated.

(129) Stabilizer--A chemical that helps reduce the excess loss of chlorine in water due to the ultraviolet rays of the sun. (See definition (42) "Cyanuric acid".)

(130) Steps, recessed steps, ladders, and recessed treads--A means of pool and spa ingress and egress that may be used separately or in conjunction with one another.

Appendix C

(A) Steps--A riser/tread or series of risers/treads extending down from the deck and terminating at the pool or spa floor. Included are recessed steps that have the risers located outside of user areas.

(B) Ladders--A series of vertically separated treads or rungs connected by vertical rail members or independently fastened to an adjacent vertical pool or spa wall. (See definition (73) "Ladders" for particular ladder types.)

(C) Recessed treads--A series of vertically spaced cavities in the pool or spa wall creating tread areas for step holes.

(131) Suction outlet--The aperture or fitting through which the water is drawn from the pool or spa. A skimmer is not considered a suction outlet for purposes of these rules.

(132) Super chlorination--The practice of adding a sufficient amount of chlorinating compound to water to destroy chlorine demand compounds and any combined chlorine that is present. Generally, the level of chlorine added is 10 times the level of combined chlorine in the water. (See also definition (26) "Breakpoint chlorination".)

(133) Surface skimmer system/Through wall skimmer--A device installed in the wall of an in-ground pool or spa, or above-ground pool or spa that permits the continuous removal of floating debris and surface water to the filters.

(134) Surge pit--A collecting tank or sump that allows the pool drain(s) and surface collection system to flow into it by gravity.

(135) SVRD--A safety vacuum release device, as described in §296.190(d)(3)(B) of this title for minimizing risk of entrapment.

(136) SVRS--A safety vacuum release system that consists of either an SVRD or an AVS, as described in §296.190(d)(3) of this title for minimizing risk of entrapment.

(137) Swimout--A recessed area outside of the general perimeter of the pool designed to facilitate the entry and exit of swimmers from a pool.

(138) TCEQ--Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087, telephone (512) 239-1000.

Appendix C

(139) TDLR--Texas Department of Licensing and Regulation, Boiler Division, P.O. Box 12157, Austin, Texas 78711, telephone (800) 803-9202.

(140) TDS--Total dissolved solids, i.e., a measure of the total amount of dissolved matter in water (for example, calcium, magnesium, carbonates, bicarbonates, metallic compounds).

(141) Test kit--A device for monitoring a specific chemical level in pool or spa water.

(142) Therapeutic pool or spa--A pool or spa that is operated exclusively for therapeutic purposes, such as physical therapy, and is under the direct supervision and control of licensed medical personnel.

(143) Total alkalinity--A measure of the ability or capacity of water to resist change in pH; also known as the buffering capacity of water. Measured with a test kit and expressed as ppm; consists mainly of carbonates, bicarbonates and hydroxides.

(144) Total chlorine--The sum of both the free available and combined chlorine.

(145) Toxic--A substance that has an adverse physiological effect on human beings or other living organisms.

(146) Turbidity--Cloudy condition of water due to the presence of fine particulate materials in suspension that interferes with the passage of light.

(147) Turnover rate--The period of time (usually in hours) required to circulate a volume of water equal to the total pool or spa capacity.

(148) UFC--Uniform Fire Code, published by the International Fire Code Institute, 5360 Workman Mill Road, Whittier, California 90601-2298, telephone (800) 423-6587.

(149) Underwater light--A fixture designed to illuminate a pool or spa from beneath the water surface. An underwater light includes either of the following:

(A) wet niche light--a watertight and water-cooled light unit placed in a submerged, wet niche in the pool or spa wall and accessible only from the pool or spa; or

Appendix C

(B) dry niche light--a light unit placed behind a watertight window in the pool or spa wall.

(150) UL--Underwriters Laboratory, 333 Pfingsten Road, Northbrook, Illinois 60062-2096, telephone (847) 272-8800.

(151) User--A person using a pool or spa and adjoining deck area for the purpose of water sports, recreation therapy or related activities.

(152) User load--The number of persons in the pool or spa area at any given moment, or during any stated period of time.

(153) Vacuum--The reduction of atmospheric pressure within a pipe, tank, pump, or other vessel. Vacuum is measured in inches of mercury. Each inch of mercury is equivalent to 1.13 feet of head. The typical maximum vacuum is 30 inches of mercury, or 33.9 feet of head.

(154) Valve--Any device in a pipe that will partially or totally obstruct the flow of water (as in a ball, gate or globe valve) or permit flow in one direction only (as in a check or foot valve). See definitions (23) "Bleeder valve", (78) "Multi-port valve", and (110) "Push-pull valve".

(155) Velocity--The speed at which a liquid flows between two specified points, expressed in feet per second.

(156) Vortex pool--Circular pools equipped with a method of transporting water in the pool for the purpose of propelling riders at speed dictated by velocity of the moving stream.

(157) Wading pool--A Class D pool that has a maximum depth of 2 feet at any point.

(158) Walls--The interior pool or spa wall surfaces consisting of surfaces from plumb to a slope of 11 degrees from plumb.

(159) Waste water disposal system--A plumbing system used to dispose of backwash or other water from a pool or spa or from dressing rooms and other facilities associated with a pool or spa.

(160) Water action pools--A pool designed to simulate breaking or cyclic waves for the purpose of general play or surfing.

Appendix C

(161) Water lounge--A horizontal area of a pool that adjoins the pool wall at a depth of from 2 inches to 10 inches, is used for seating and play.

(162) Weir--Part of a skimmer that adjusts automatically to small changes in water level to assure a continuous flow of water to the skimmer.

(163) YMCA--Y.M.C.A. of U.S.A. (Y.M.C.A.), 101 North Wacker, Chicago, Illinois 60606, telephone (800) 872-9622.

(164) Zero depth entry pool--A pool in which the pool floor intersects the water surface along at least one side of the pool.

Source Note: The provisions of this §265.182 adopted to be effective September 1, 2004, 29 TexReg 7704

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Appendix C



- Texas Administrative Code (Last Updated: December 5, 2014)
 - TITLE 25. HEALTH SERVICES
 - PART 1. DEPARTMENT OF STATE HEALTH SERVICES
 - CHAPTER 265. GENERAL SANITATION
 - SUBCHAPTER L. STANDARDS FOR PUBLIC POOLS AND SPAS

SECTION 265.199. Specific Safety Features for Post-10/01/99 and Pre-10/01/99 Pools and Spas

Latest version.

(a) Handholds and coping for post-10/01/99 and pre-10/01/99 pools and spas. A post-10/01/99 pool or spa shall be provided with a handhold around its perimeter in areas where depths exceed 42 inches and there is no seat bench, swimout, or lounge area below the perimeter area in question. Handholds shall be provided no farther apart than 2 feet to include, but not limited to, one or a combination of the following items:

(1) handholds for post 10/01/99 and pre-10/01/99 pools and spas may be coping, rope, railing, ledge, deck, negative edge, or similar construction along the immediate top edge of the pool that provides a slip-resistant surface or grip and shall be at least 4 inches minimum horizontal width and located at or not more than 9 inches above the design water level. Any overhang of coping or decking shall not exceed 2 inches;

(2) coping overhang in post-10/01/99 and pre-10/01/99 pools and spas shall be continuous without breaks or notches (other than slight indentations by masonry joints); and

(3) ladders, steps, and seat ledges for post-10/01/99 pools and spas shall be constructed in accordance with §265.186(b) of this title (relating to Decks, Entry/Exit, Diving Facilities, and Other Deck Equipment at Post-10/01/99 and Pre-10/01/99 Pools and Spas).

(b) Float lines and floor markings for post-10/01/99 and pre-10/01/99 pools. Float lines with floats and floor markings for a post-10/01/99 and pre-10/01/99 pools shall comply with the following:

Appendix C

(1) in post-10/01/99 and pre-10/01/99 Class A and B pools over 5 feet deep:

(A) the transition point of the pool from the shallow area to the deep area of the pool shall be visually set apart with a 4-inch minimum width row of floor tile, a painted line, or similar means using a color contrasting with the bottom; and

(B) a rope and float line shall be provided between 1 foot and 2 feet on the shallow side of the 5-foot depth along and parallel to this depth from one side of the pool to the other side. The floats shall be spaced at not greater than 7-foot intervals; and the floats shall be secured so they will not slide or bunch up. The stretched float line shall be of sufficient size and strength to offer a good handhold and support loads normally imposed by users. If the owner or operator of the pool knows or should have known in the exercise of ordinary care that a rope or float is missing, broken, or defective, the problem shall be promptly remedied.

(2) in post-10/01/99 and pre-10/01/99 Class C pools over 5 feet deep, the transition point of the pool from the shallow area to the deep area of the pool shall be visually separated by a 4-inch minimum width row of floor tile, a painted line, or similar means using a color contrasting with the bottom; and

(3) if rope and float lines are provided in post-10/01/99 or pre-10/01/99 pools, they shall be securely fastened to wall or deck anchors of corrosion-resisting materials and of the type that is recessed or removable and shall have no projection that will constitute a hazard when the line is removed.

(c) Depth markers for post-10/01/99 pools. Post-10/01/99 pools shall have markers showing depth and unit of measurement for the depth, complying with the following:

(1) depth markers on both sidewalls and decks of the pool shall:

(A) indicate the pool depth from the design water level to the floor of the pool according to a vertical measurement taken 3 feet from the pool wall;

(B) be a minimum of 4 inches in height (measured vertically on a sidewall and horizontally on a deck);

(C) be of contrasting color to the background on which they are applied;

(D) have permanent colors for the numbers, units, and background of the marker;

Appendix C

(E) placed at 2-foot increments of depth in the shallow and deep ends of the pool, and be uniformly installed around a pool to the extent practical;

(F) be spaced at distances not greater than 25-foot intervals, and with a minimum of at least one marker per pool side;

(G) be placed at the maximum and minimum points of depths and at the 5-foot depth of a pool over 5 feet deep;

(H) designate the depth, on irregularly shaped pools, at all major deviations in shape; and

(I) have units of measurement spelled out in "feet" or "inches" or abbreviated as "FT", "IN" or feet and fractions of a foot. In addition to feet and inches, the unit of measurement may also be displayed in meters, in which event units of measurement shall be spelled out as "meters" or abbreviated as "M".

(2) depth and unit markers on decks shall be slip-resistant, placed within 24 inches of the water's edge, and positioned to be read while standing on the deck facing the water;

(3) depth and unit markers on pool sidewalls, except as provided in paragraph (4) of this subsection shall be plainly and conspicuously posted in the top 4.5 inches of the pool wall and be positioned to be read by a user while in the pool; and

(4) if depth and unit markers cannot be placed on the sidewall with a readable portion of the marker above the actual water level (e.g. the edges of a zero depth entry pool or other coping types that do not allow sufficient space for the 4-inch depth markers), other methods may be used to mark the depth and unit of measurement, as follows:

(A) sidewall depth and unit markers shall not be required on the edges of a zero depth entry pool;

(B) on roll out gutter pools or other pools without a vertical sidewall and with at least 3 inches of the sidewall above the design water level, depth and unit markers shall be readable from the pool and shall be placed in the first 6 inches of deck or on a vertical wall or fence, if one exists, within 10 feet of the water's edge. Otherwise, no depth or unit markers shall be required for such pools; and

(C) on vanishing edge pools, depth and unit markers shall not be required on that portion of the vanishing edge that has no pool wall above the design water

Appendix C

level and shall not be required on that portion of the vanishing edge that is inaccessible to patrons on the deck; but sidewall and deck markers must be installed on the vanishing edge immediately at the end of the vanishing edge, in the top 4.5 inches of the pool.

(d) Depth markers for pre-10/01/99 pools. Pre-10/01/99 pools shall have depth markers that comply with the following:

(1) depth markers on both sidewalls and decks of the pool shall:

(A) indicate the pool depth from the design water level to the floor of the pool according to a vertical measurement taken 3 feet from the pool wall;

(B) be a minimum of 4 inches in height (measured vertically on a sidewall and horizontally on a deck);

(C) be of contrasting color to the background on which they are applied;

(D) have permanent colors for the numbers and background of the marker;

(E) be placed at 2-foot increments of depth around the pool; and

(F) be placed at the maximum and minimum points of depths and at the point of bottom slope change from shallow end and deep end;

(2) depth markers and any unit markers on decks shall be slip-resistant, placed within 24 inches of the water's edge, and positioned to be read while standing on the deck facing the water;

(3) depth and any unit markers on pool sidewalls, except as provided in paragraph (4) of this subsection, shall have at least 50% of the depth number and any unit of measurement, plainly and conspicuously placed above the design water level on the sidewall and be positioned to be read by a user while in the pool. A percentage higher than 50% is permitted but not required;

(4) if depth markers and any unit markers cannot be placed on the sidewall with a readable portion of the marker above the design water level (e.g. the edges of a zero depth entry pool or other coping types which do not allow sufficient space for the 4-inch depth markers), other methods may be used to mark the depth and unit of measurement, as follows:

Appendix C

(A) sidewall depth markers shall not be required on edges of zero depth entry pools;

(B) on roll out gutter pools or other pools without a vertical wall that does not have at least 3 inches of pool wall above the design water level, the depth markers and any unit markers shall be readable from the pool and shall be placed in the first 6 inches of deck, or on a vertical wall or fence, if one exists, within 10 feet of the water's edge. If there is no practical location for installation of vertical depth markers, no depth or unit markers shall be required in those areas; and

(C) on vanishing edge pools, depth markers and any unit markers shall not be required on that portion of the vanishing edge that has no pool wall above the design water level and shall not be required on that portion of the vanishing edge that is inaccessible to patrons on the deck; but sidewall and deck markers must be installed on the vanishing edge immediately at the end of the vanishing edge, in the top 4.5 inches of the pool; and

(5) if a pre-10/01/99 pool is substantially replastered or the waterline tile is substantially replaced, all depth markers on the sidewalls must comply with subsection (c) of this section regarding depth markers for post-10/01/99 pools.

(e) "NO DIVING" wording and international no diving symbol warning signs for post-10/01/99 and pre-10/01/99 pools. This subsection applies to post-10/01/99 and pre-10/01/99 pools.

(1) The warning words "NO DIVING" and the international no diving symbol shall be clearly marked on the pool deck with contrasting colors and letters at least 4 inches high. The warning shall be placed at least every 25 feet or fraction thereof, around the pool where the water depth is 6 feet or less. At least two warnings including the "NO DIVING" and international no diving symbol, shall be provided at the extreme ends of the minimum depth and at the extreme ends of the maximum depth at 6 feet on each side of the pool or on each of the longer dimensional sides of the pool. These warning signs shall be slip-resistant. The warning "NO DIVING" and international no diving symbol on the deck shall be within 24 inches of the water edge and positioned to be read while standing on the deck facing the water. The international no diving symbol consists solely of a diver's profile in a circle with a 45-degree slash through the diver and may be red and/or black on a light background.

Appendix C

(2) If a permanent structure above the pool deck (other than a diving board or diving platform) is within 5 feet of the water surface of a pool and is likely to be used for diving, the international no diving symbol and the warning "NO DIVING" (in contrasting colors and letters at least 4 inches high), shall be permanently affixed to the structure so that such warnings are visible to persons who may attempt to use the structure for diving.

(f) Signs for post-10/01/99 and pre-10/01/99 pools.

(1) Post-10/01/99 and pre-10/01/99 pools shall comply with the following sign requirements:

(A) signs shall be securely mounted as applicable and readily visible to the pool user from inside the pool enclosure;

(B) for Class C and D pools where no lifeguard is provided, a sign shall be placed in plain view and shall state "NO DIVING" along with an international warning symbol for no diving. The letters "NO DIVING" and the symbol shall be at least 4 inches high;

(C) for pools where no lifeguard service is required, a warning sign shall be placed in plain view and shall state "WARNING-NO LIFEGUARD ON DUTY" with clearly legible letters at least 4 inches high. In addition, the sign shall also state in letters at least 2 inches high "CHILDREN SHOULD NOT USE POOL WITHOUT ADULT SUPERVISION". The additional signage required in this subsection may be included on the sign described in paragraph (2) of this subsection; and

(D) when a required telephone is not readily visible from a post-10/01/99 or pre-10/01/99 pool or spa, directions shall be posted regarding its location as stated in subsection (i) of this section.

(2) In areas of Texas where a majority of citizens are non-English speaking, in addition to signs in English, signs, and other written warnings required by these standards, may be posted in the predominant language.

(g) Lifeguard personnel standards at post-10/01/99 and pre-10/01/99 pools. Post-10/01/99 and pre-10/01/99 pools shall comply with the following lifeguard requirements:

(1) lifeguards shall hold a current ARC "Lifeguard Training" certificate or the equivalent certification from an aquatic safety organization, which also includes

Appendix C

training in ARC "Adult, Infant, and Child CPR" and "Community First Aid" or their equivalent;

(2) each lifeguard shall be given an assigned surveillance area commensurate with ability;

(3) lifeguards conducting surveillance of pool users shall not be assigned duties that would distract their attention from proper observation of the users, or that would prevent immediate assistance to persons in the water;

(4) when a lifeguard is provided at a pool, the following shall apply:

(A) the number of lifeguards shall be adequate to provide supervision, continuous surveillance, and close observation of pool users in all areas of the pool and at all times when the pool is in use. No user shall be permitted in a pool area unless the lifeguard(s) are present; and

(B) an additional lifeguard, or second responder who is monitoring and readily available at the pool, and who has a minimum training in (ARC) "Adult, Infant, and Child CPR" and "Community First Aid" or equivalent training, shall also be in the pool area when the pool is in use;

(5) all lifeguards and second responders shall receive training in the application of effective pool emergency procedures for events such as submersions, suspected spinal injury, medical emergencies, missing persons, bad weather, etc. Such training will be reviewed as necessary and kept current;

(6) pool facilities shall provide alertness/response drills and other training including documentation of the following:

(A) a pre-season training program;

(B) a continual "in-service" training program for all lifeguards, and other aquatic personnel totaling a minimum 60 minutes per week;

(C) performance "audits" as recommended by the ARC or YMCA or equivalent aquatic safety organization; and

(D) an emergency action plan similar to the one outlined by the ARC or YMCA or equivalent aquatic safety organization;

Appendix C

(7) management at each facility shall maintain a current file with each staff person's current certification including expiration dates;

(8) owners shall allow lifeguards to have sufficient break time from guarding activities as recommended by the ARC or YMCA or equivalent aquatic safety organization;

(9) lifeguards and second responders shall be provided at:

(A) post-10/01/99 and pre-10/01/99 Class A pools during competitive events;

(B) post-10/01/99 and pre-10/01/99 Class B pools; and

(C) post-10/01/99 and pre-10/01/99 Class C pools with a diving board or a slide that is not locked or chained to prevent use of the diving board or slide; and

(10) where lifeguards are not provided, refer to subsection (f)(1) of this section relating to signs.

(h) Lifeguard chairs and lifeguard equipment for post-10/01/99 and pre-10/01/99 pools. Post-10/01/99 and pre-10/01/99 pools shall comply with the following requirements, as applicable:

(1) A post-10/01/99 pool that has a diving board(s) shall have at least one elevated lifeguard chair, located to provide a clear unobstructed view of the pool bottom in the diving area and shall comply with the following.

(A) The seat of the lifeguard chair in the diving water area shall be located at an elevation at least 4 feet above the pool deck. The lifeguard chair may be portable so that its location can be optimized to prevent glare and provide proper supervision.

(B) If the width of the pool is 45 feet or more, an additional elevated chair or station shall be provided and shall be located in the diving area on the opposite side of the pool.

(C) Such lifeguard platforms or chairs shall be placed in locations to reduce sun glare on the water, and in positions which allow complete visual coverage of the pool and the pool bottom within a field of view no greater than 90 degrees on either side of a line of sight extending straight out from the platform or chair.

Appendix C

(2) At post-10/01/99 and pre-10/01/99 pools, lifeguard(s) shall have a sufficient number of standard rescue tube(s) or buoy(s) with attached rope/strap and other equipment as necessary for use by the lifeguard(s). Such equipment shall be immediately accessible at all times. Lifeguard(s) and second responders shall be dressed in swimming attire so that they are readily identifiable as members of the staff.

(i) Pool safety equipment for post-10/01/99 and pre-10/01/99 pools. Post-10/01/99 and pre-10/01/99 pools shall comply with the following standards:

(1) lifesaving equipment at post-10/01/99 and pre-10/01/99 Class A, B, and C pools. At post-10/01/99 and pre-10/01/99 Class A, B, and C pools having less than 2,000 square feet of surface area, at least one of each of the following items of lifesaving equipment shall be provided for the pool:

(A) a reaching pole that is light, strong, non-telescoping and at least 12 feet long. The pole shall be constructed of fiberglass or other material that does not conduct electricity and shall have a body hook or shepherd's crook with blunted ends attached to it; and

(B) a throwing rope that is 1/4-inch to 3/8-inch diameter, with a length at least two-thirds the maximum width of the pool. A ring buoy that is approved by the United States Coast Guard and that has an outside diameter of 15 to 24 inches shall be attached to the throwing rope;

(C) if the pool has between 2,000 and 4,000 square feet of water surface area, an additional reaching pole and throwing rope with ring buoy, as described in subparagraphs (A) and (B) of this paragraph shall be provided. If the pool has over 4,000 square feet of water surface area, an additional reaching pole and throwing rope with ring buoy as described in subparagraphs (A) and (B) of this paragraph shall be provided for each 6,000 square feet of water surface area or portion thereof over 4,000 square feet. All such lifesaving equipment shall be mounted in conspicuous places around the pool deck within 20 feet of the pool. All lifesaving equipment shall be kept in good repair and ready condition.

(2) backboards at post-10/01/99 and pre-10/01/99 pools. Post-10/01/99 and pre-10/01/99 Class A and B pools and Class C pools that have a diving board, slide, or lifeguard shall have one or more backboards with a minimum of 3 tie down straps and head immobilizer for back and neck injuries; and

Appendix C

(iv) practice event (excluding competition events in accordance with subparagraph (A) of this paragraph).

(4) Each entry gate and door of a pool yard or spa yard that is locked must have a sign on the exterior of the gate or door or on the exterior of the enclosure fence or wall immediately adjacent to the gate or door, stating the location of the telephone outside of the enclosure and complying with the content and letter size of paragraph (5) of this subsection if:

(A) the telephone is located outside the pool yard of a Class A or B pool; or

(B) the telephone is required to be located outside the pool yard or spa yard under paragraph (3) of this subsection.

(5) Regardless of where the telephone is located or whether the gate(s) or door(s) are locked, a sign must be installed inside the pool yard or spa yard in plain view of the pool or spa and state in letters at least 1 inch high: "In case of emergency, call 911". If the telephone is not readily visible from the pool or spa, the sign inside the pool yard or spa yard shall include a concise description of the location of the telephone.

(k) Lighting for post-10/01/99 and pre-10/01/99 pools and spas. Lighting for decks and water surfaces of post-10/01/99 or pre-10/01/99 pool or spa shall be provided according to this subsection. Lighting for such pools and spas shall comply with the following:

(1) lighting above water level for decks and water surfaces shall be not less than 0.5 watts (incandescent equivalent) per square foot of the combined deck and water surface areas of the pool or spa;

(2) if underwater lighting is installed in a pool, the underwater lighting shall be 0.5 watts per square foot of water surface area of the pool, and the water surface area need not be counted for purposes of subsection (l) of this section; and

(3) lighting shall be spaced to provide illumination to all portions of the deck and water surface areas of a pool or spa. The bottom of the pool or spa must be readily seen without glare.

(l) Indoor ventilation for post-10/01/99 pools and spas. A post-10/01/99 pool or spa that is constructed indoors must meet ASHRAE 62-1989 "Ventilation for Acceptable Indoor Air Quality" standards.

Appendix C

(m) Safety and sanitation of special aquatic activity devices. Post-10/01/99 or pre-10/01/99 special aquatic activity devices involving a water circulation system separate from the circulation system for a pool (e.g., separate pump, holding tank, etc.) shall comply with the following sections to the same extent the sections apply to pools, except as otherwise noted:

(1) §265.187 of this title (relating to Circulation Systems for Post-10/01/99 and Pre-10/01/99 Pools and Spas), except that the water turnover rate shall be at least once every 30 minutes, and a vacuum cleaning system is not required;

(2) §265.188 of this title (relating to Filters at Post-10/01/99 and Pre-10/01/99 Pools and Spas);

(3) §265.189 of this title (relating to Pumps and Motors at Post-10/01/99 and Pre-10/01/99 Pools and Spas);

(4) §265.190 of this title (relating to Suction Outlets and Return Inlets at Post-10/01/99 and Pre-10/01/99 Pools and Spas);

(5) §265.192 of this title (relating to Electrical Requirements for Post-10/01/99 and Pre-10/01/99 Pools, Spas, Pool Yards, and Spa Yards);

(6) §265.194 of this title (relating to Pool or Spa Water Supply for Post-10/01/99 and Pre-10/01/99 Pools and Spas);

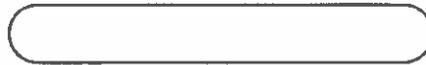
(7) §265.196 of this title (relating to Waste Water Disposal at Post-10/01/99 and Pre-10/01/99 Pools and Spas);

(8) §265.197 of this title (relating to Disinfection Equipment and Chemical Feeders for Post-10/01/99 and Pre-10/01/99 Pools and Spas); and

(9) §265.204 of this title (relating to Water Quality for Post-10/01/99 and Pre-10/01/99 Pools and Spas).

Source Note: The provisions of this §265.199 adopted to be effective September 1, 2004, 29 TexReg 7704

Appendix C



- Texas Administrative Code (Last Updated: December 5, 2014)
 - TITLE 25. HEALTH SERVICES
 - PART 1. DEPARTMENT OF STATE HEALTH SERVICES
 - CHAPTER 265. GENERAL SANITATION
 - SUBCHAPTER L. STANDARDS FOR PUBLIC POOLS AND SPAS

SECTION 265.203. Operation and Management of Post-10/01/99 and Pre-10/01/99 Pools and Spas

Latest version.

(a) Required operator certification for certain types of post-10/01/99 and pre-10/01/99 pools and spas. Post-10/01/99 and pre-10/01/99 Class A or B pools and Class D pools operated in conjunction with a Class A or B pool shall be maintained under the supervision and direction of a properly trained and certified operator who is responsible for the sanitation, safety, and proper maintenance of the pool or spa, and for maintaining all physical and mechanical equipment and records. Training and certification can be obtained by completion of one of the following courses or their equivalent:

- (1) the NRPA, "Aquatic Facility Operator" (A.F.O.);
- (2) the NSPF, "Certified Pool-Spa Operator" (C.P.O.);
- (3) YMCA, "Pool Operator on Location" (P.O.O.L.);
- (4) the NSPI, "Professional Pool & Spa Operator" (P.P.S.O.); or
- (5) the ASPSA, "Licensed Aquatic Facility Technician" (L.A.F.T.).

(b) Water clarity standards for post-10/01/99 and pre-10/01/99 pools and spas. Areas of a post-10/01/99 or pre-10/01/99 pool or spa shall be opened for use only if the pool or spa bottom and/or main drains are clearly visible. Possible visual occlusion by sediment or other matter shall be checked before opening a pool and periodically, as necessary, while the pool is in use. To check the pool or spa when in use, bathers shall exit and the pool or spa water shall be allowed to calm. Clarity shall be observed between 1 to 5 minutes after users have exited. The pool or spa shall be opened for use only if the bottom and/or main drains are clearly visible.

Appendix C

Sediment or other matter that may cause visual occlusion shall be vacuumed, filtered or otherwise removed as needed prior to pool use.

(c) Equipment for water clarity for post-10/01/99 and pre-10/01/99 pools and spas. When a post-10/01/99 or pre-10/01/99 pool or spa is open for use, filtration, circulation systems, chemical/disinfectant feeders, slurry feeders, heaters, etc., that are dependent upon circulation pump flow shall be operating, plus any additional time necessary to ensure continuous water clarity and chemical distribution.

(1) The pool and spa shall be operated to maintain the turnover rates as stated in §265.187(b)(1) of this title (relating to Circulation Systems for Post-10/01/99 Pools and Spas) and §265.187(c) of this title.

(2) Circulation pumps shall run continuously 24 hours a day year round and not be throttled to reduce circulation below the design flow rate, except that a pool pump may run less than 24 hours a day if:

(A) a "Pool Closed" sign, with letters at least 1-inch tall, is posted on the exterior side of each entry gate into the pool yard; and

(B) the pump runs a sufficient number of hours needed to keep the water at required clarity and disinfectant levels; and

(C) the pump runs the same number of hours each day.

(d) Off season water clarity for post-10/01/99 and pre-10/01/99 outdoor pools and spas. When a post-10/01/99 or pre-10/01/99 outdoor pool or spa is not in use for an extended period of time (such as off season), clarity shall be maintained and algae growth shall be prevented; however, other water quality parameters as required in §265.204(a) of this title (relating to Water Quality for Post-10/01/99 and Pre-10/01/99 Pools and Spas) do not need to be maintained. Other methods may be used to maintain pools and spas during extended periods of non-use if the methods are approved by local authorities in writing and water clarity is maintained.

(e) Off season safety for post-10/01/99 and pre-10/01/99 pools and spas. When a post-10/01/99 or pre-10/01/99 pool or spa is not in use after seasonal operation, while under construction or renovation, or for any other reason, the facility shall not be allowed to give off objectionable odors, become a breeding site for insects, or create any other nuisance situation or safety hazard.

Appendix C

(f) Domestic animals prohibited at post-10/01/99 and pre-10/01/99 pools and spas. Domestic animals and other pets shall not be allowed within a post-10/01/99 or pre-10/01/99 pool or spa enclosure area, except that service animals shall be allowed on the deck and within the pool enclosure but not in the pool.

(g) Actual water level at post-10/01/99 and pre-10/01/99 pools and spas. Actual water level in a post-10/01/99 or pre-10/01/99 pool or spa shall be maintained within the operating water level range of the system's rim or weir device.

(h) Protection from chemicals for post-10/01/99 and pre-10/01/99 pools and spas. Personnel in charge of maintaining a post-10/01/99 or pre-10/01/99 pool or a spa shall be properly trained in accordance with §265.197(a)(5) of this title (relating to Disinfectant Equipment and Chemical Feeders at Post-10/01/99 and Pre-10/01/99 Pools and Spas).

(i) Maximum load limits for post-10/01/99 pools and spas. The maximum load limits for a post-10/01/99 pool and spa shall be calculated and posted. Load limits are indicated in §265.184(n) of this title (relating to General Construction and Design for Post-10/01/99 Pools and Spas).

(j) Use of life jackets for post-10/01/99 and pre-10/01/99 pools and spas. No person shall be prohibited from the use of a life jacket in a post-10/01/99 or pre-10/01/99 pool or spa.

(k) Proper use of chemicals at post-10/01/99 and pre-10/01/99 pools and spas. Use of chemicals at post-10/01/99 and pre-10/01/99 pools and spas shall be according to the chemical manufacturer's directions. No chemical shall be used in a way that violates the manufacturer's instructions for the chemical feed system or the ANSI/NSF 50 certification of the chemical feed system.

(l) Use of registered products at post-10/01/99 and pre-10/01/99 pools and spas. In post-10/01/99 and pre-10/01/99 pools and spas, only chemicals registered and labeled for use in pools and spas by U.S. Environmental Protection Agency shall be used.

Source Note: The provisions of this §265.203 adopted to be effective September 1, 2004, 29 TexReg 7704

Appendix C



- Texas Administrative Code (Last Updated: December 5, 2014)
 - TITLE 25. HEALTH SERVICES
 - PART 1. DEPARTMENT OF STATE HEALTH SERVICES
 - CHAPTER 265. GENERAL SANITATION
 - SUBCHAPTER L. STANDARDS FOR PUBLIC POOLS AND SPAS

SECTION 265.204. Water Quality at Post-10/01/99 and Pre-10/01/99 Pools and Spas

Latest version.

(a) Required water quality for post-10/01/99 and pre-10/01/99 pools and spas. Water quality for a post-10/01/99 or pre-10/01/99 pool or a spa shall meet the following criteria when the pool or spa is open for use. The water quality parameters in the following table apply to both pools and spas unless otherwise indicated.

Attached Graphic

(b) Water quality testing at post-10/01/99 and pre-10/01/99 pools and spas. A reliable means of testing for pH, free and total chlorine or total bromine residuals, and cyanuric acid (if used) shall be maintained for post-10/01/99 and pre-10/01/99 pools and spas. The test method shall be capable of measuring chemical ranges as detailed in subsection (a) of this section.

(1) Free available chlorine residual shall be determined by the use of the DPD method or its equivalent.

(2) Test reagents shall be properly stored and changed at frequencies recommended by the manufacturer to assure accuracy of the tests.

(c) Testing frequency for post-10/01/99 and pre-10/01/99 pools and spas. When a post-10/01/99 or pre-10/01/99 Class A or B pool is open for use or when a post-10/01/99 or pre-10/01/99 Class D pool operated in conjunction with a Class A or B pool or spa is open for use, a test for disinfectant level and pH shall be conducted at least every 2 hours to assure compliance with subsection (a) of this section relating to required water quality parameters. In lieu of the above testing frequency, if a system is used to automatically control disinfectant and pH, testing for

Appendix C

disinfectant level and pH shall be made at least once per day. If necessary, tests shall be conducted more frequently to assure proper disinfectant level and pH.

(d) Other required tests for post-10/01/99 and pre-10/01/99 pools and spas. Test(s) for total chlorine, cyanuric acid, alkalinity and hardness at post-10/01/99 and pre-10/01/99 pools and spas shall be conducted as necessary to assure proper chemical control.

(e) Operational records for post-10/01/99 and pre-10/01/99 pools and spas. When tests are required, under this section, operational records of the tests shall be kept for two years and be made available during a governmental inspection.

Source Note: The provisions of this §265.204 adopted to be effective September 1, 2004, 29 TexReg 7704

Appendix C



- Texas Administrative Code (Last Updated: December 5, 2014)
 - TITLE 25. HEALTH SERVICES
 - PART 1. DEPARTMENT OF STATE HEALTH SERVICES
 - CHAPTER 265. GENERAL SANITATION
 - SUBCHAPTER L. STANDARDS FOR PUBLIC POOLS AND SPAS

SECTION 265.199. Specific Safety Features for Post-10/01/99 and Pre-10/01/99 Pools and Spas

Latest version.

(a) Handholds and coping for post-10/01/99 and pre-10/01/99 pools and spas. A post-10/01/99 pool or spa shall be provided with a handhold around its perimeter in areas where depths exceed 42 inches and there is no seat bench, swimout, or lounge area below the perimeter area in question. Handholds shall be provided no farther apart than 2 feet to include, but not limited to, one or a combination of the following items:

(1) handholds for post 10/01/99 and pre-10/01/99 pools and spas may be coping, rope, railing, ledge, deck, negative edge, or similar construction along the immediate top edge of the pool that provides a slip-resistant surface or grip and shall be at least 4 inches minimum horizontal width and located at or not more than 9 inches above the design water level. Any overhang of coping or decking shall not exceed 2 inches;

(2) coping overhang in post-10/01/99 and pre-10/01/99 pools and spas shall be continuous without breaks or notches (other than slight indentations by masonry joints); and

(3) ladders, steps, and seat ledges for post-10/01/99 pools and spas shall be constructed in accordance with §265.186(b) of this title (relating to Decks, Entry/Exit, Diving Facilities, and Other Deck Equipment at Post-10/01/99 and Pre-10/01/99 Pools and Spas).

(b) Float lines and floor markings for post-10/01/99 and pre-10/01/99 pools. Float lines with floats and floor markings for a post-10/01/99 and pre-10/01/99 pools shall comply with the following:

Appendix C

(1) in post-10/01/99 and pre-10/01/99 Class A and B pools over 5 feet deep:

(A) the transition point of the pool from the shallow area to the deep area of the pool shall be visually set apart with a 4-inch minimum width row of floor tile, a painted line, or similar means using a color contrasting with the bottom; and

(B) a rope and float line shall be provided between 1 foot and 2 feet on the shallow side of the 5-foot depth along and parallel to this depth from one side of the pool to the other side. The floats shall be spaced at not greater than 7-foot intervals; and the floats shall be secured so they will not slide or bunch up. The stretched float line shall be of sufficient size and strength to offer a good handhold and support loads normally imposed by users. If the owner or operator of the pool knows or should have known in the exercise of ordinary care that a rope or float is missing, broken, or defective, the problem shall be promptly remedied.

(2) in post-10/01/99 and pre-10/01/99 Class C pools over 5 feet deep, the transition point of the pool from the shallow area to the deep area of the pool shall be visually separated by a 4-inch minimum width row of floor tile, a painted line, or similar means using a color contrasting with the bottom; and

(3) if rope and float lines are provided in post-10/01/99 or pre-10/01/99 pools, they shall be securely fastened to wall or deck anchors of corrosion-resisting materials and of the type that is recessed or removable and shall have no projection that will constitute a hazard when the line is removed.

(c) Depth markers for post-10/01/99 pools. Post-10/01/99 pools shall have markers showing depth and unit of measurement for the depth, complying with the following:

(1) depth markers on both sidewalls and decks of the pool shall:

(A) indicate the pool depth from the design water level to the floor of the pool according to a vertical measurement taken 3 feet from the pool wall;

(B) be a minimum of 4 inches in height (measured vertically on a sidewall and horizontally on a deck);

(C) be of contrasting color to the background on which they are applied;

(D) have permanent colors for the numbers, units, and background of the marker;

Appendix C

(E) placed at 2-foot increments of depth in the shallow and deep ends of the pool, and be uniformly installed around a pool to the extent practical;

(F) be spaced at distances not greater than 25-foot intervals, and with a minimum of at least one marker per pool side;

(G) be placed at the maximum and minimum points of depths and at the 5-foot depth of a pool over 5 feet deep;

(H) designate the depth, on irregularly shaped pools, at all major deviations in shape; and

(I) have units of measurement spelled out in "feet" or "inches" or abbreviated as "FT", "IN" or feet and fractions of a foot. In addition to feet and inches, the unit of measurement may also be displayed in meters, in which event units of measurement shall be spelled out as "meters" or abbreviated as "M".

(2) depth and unit markers on decks shall be slip-resistant, placed within 24 inches of the water's edge, and positioned to be read while standing on the deck facing the water;

(3) depth and unit markers on pool sidewalls, except as provided in paragraph (4) of this subsection shall be plainly and conspicuously posted in the top 4.5 inches of the pool wall and be positioned to be read by a user while in the pool; and

(4) if depth and unit markers cannot be placed on the sidewall with a readable portion of the marker above the actual water level (e.g. the edges of a zero depth entry pool or other coping types that do not allow sufficient space for the 4-inch depth markers), other methods may be used to mark the depth and unit of measurement, as follows:

(A) sidewall depth and unit markers shall not be required on the edges of a zero depth entry pool;

(B) on roll out gutter pools or other pools without a vertical sidewall and with at least 3 inches of the sidewall above the design water level, depth and unit markers shall be readable from the pool and shall be placed in the first 6 inches of deck or on a vertical wall or fence, if one exists, within 10 feet of the water's edge. Otherwise, no depth or unit markers shall be required for such pools; and

(C) on vanishing edge pools, depth and unit markers shall not be required on that portion of the vanishing edge that has no pool wall above the design water

Appendix C

level and shall not be required on that portion of the vanishing edge that is inaccessible to patrons on the deck; but sidewall and deck markers must be installed on the vanishing edge immediately at the end of the vanishing edge, in the top 4.5 inches of the pool.

(d) Depth markers for pre-10/01/99 pools. Pre-10/01/99 pools shall have depth markers that comply with the following:

(1) depth markers on both sidewalls and decks of the pool shall:

(A) indicate the pool depth from the design water level to the floor of the pool according to a vertical measurement taken 3 feet from the pool wall;

(B) be a minimum of 4 inches in height (measured vertically on a sidewall and horizontally on a deck);

(C) be of contrasting color to the background on which they are applied;

(D) have permanent colors for the numbers and background of the marker;

(E) be placed at 2-foot increments of depth around the pool; and

(F) be placed at the maximum and minimum points of depths and at the point of bottom slope change from shallow end and deep end;

(2) depth markers and any unit markers on decks shall be slip-resistant, placed within 24 inches of the water's edge, and positioned to be read while standing on the deck facing the water;

(3) depth and any unit markers on pool sidewalls, except as provided in paragraph (4) of this subsection, shall have at least 50% of the depth number and any unit of measurement, plainly and conspicuously placed above the design water level on the sidewall and be positioned to be read by a user while in the pool. A percentage higher than 50% is permitted but not required;

(4) if depth markers and any unit markers cannot be placed on the sidewall with a readable portion of the marker above the design water level (e.g. the edges of a zero depth entry pool or other coping types which do not allow sufficient space for the 4-inch depth markers), other methods may be used to mark the depth and unit of measurement, as follows:

Appendix C

(A) sidewall depth markers shall not be required on edges of zero depth entry pools;

(B) on roll out gutter pools or other pools without a vertical wall that does not have at least 3 inches of pool wall above the design water level, the depth markers and any unit markers shall be readable from the pool and shall be placed in the first 6 inches of deck, or on a vertical wall or fence, if one exists, within 10 feet of the water's edge. If there is no practical location for installation of vertical depth markers, no depth or unit markers shall be required in those areas; and

(C) on vanishing edge pools, depth markers and any unit markers shall not be required on that portion of the vanishing edge that has no pool wall above the design water level and shall not be required on that portion of the vanishing edge that is inaccessible to patrons on the deck; but sidewall and deck markers must be installed on the vanishing edge immediately at the end of the vanishing edge, in the top 4.5 inches of the pool; and

(5) if a pre-10/01/99 pool is substantially replastered or the waterline tile is substantially replaced, all depth markers on the sidewalls must comply with subsection (c) of this section regarding depth markers for post-10/01/99 pools.

(e) "NO DIVING" wording and international no diving symbol warning signs for post-10/01/99 and pre-10/01/99 pools. This subsection applies to post-10/01/99 and pre-10/01/99 pools.

(1) The warning words "NO DIVING" and the international no diving symbol shall be clearly marked on the pool deck with contrasting colors and letters at least 4 inches high. The warning shall be placed at least every 25 feet or fraction thereof, around the pool where the water depth is 6 feet or less. At least two warnings including the "NO DIVING" and international no diving symbol, shall be provided at the extreme ends of the minimum depth and at the extreme ends of the maximum depth at 6 feet on each side of the pool or on each of the longer dimensional sides of the pool. These warning signs shall be slip-resistant. The warning "NO DIVING" and international no diving symbol on the deck shall be within 24 inches of the water edge and positioned to be read while standing on the deck facing the water. The international no diving symbol consists solely of a diver's profile in a circle with a 45-degree slash through the diver and may be red and/or black on a light background.

Appendix C

(2) If a permanent structure above the pool deck (other than a diving board or diving platform) is within 5 feet of the water surface of a pool and is likely to be used for diving, the international no diving symbol and the warning "NO DIVING" (in contrasting colors and letters at least 4 inches high), shall be permanently affixed to the structure so that such warnings are visible to persons who may attempt to use the structure for diving.

(f) Signs for post-10/01/99 and pre-10/01/99 pools.

(1) Post-10/01/99 and pre-10/01/99 pools shall comply with the following sign requirements:

(A) signs shall be securely mounted as applicable and readily visible to the pool user from inside the pool enclosure;

(B) for Class C and D pools where no lifeguard is provided, a sign shall be placed in plain view and shall state "NO DIVING" along with an international warning symbol for no diving. The letters "NO DIVING" and the symbol shall be at least 4 inches high;

(C) for pools where no lifeguard service is required, a warning sign shall be placed in plain view and shall state "WARNING-NO LIFEGUARD ON DUTY" with clearly legible letters at least 4 inches high. In addition, the sign shall also state in letters at least 2 inches high "CHILDREN SHOULD NOT USE POOL WITHOUT ADULT SUPERVISION". The additional signage required in this subsection may be included on the sign described in paragraph (2) of this subsection; and

(D) when a required telephone is not readily visible from a post-10/01/99 or pre-10/01/99 pool or spa, directions shall be posted regarding its location as stated in subsection (i) of this section.

(2) In areas of Texas where a majority of citizens are non-English speaking, in addition to signs in English, signs, and other written warnings required by these standards, may be posted in the predominant language.

(g) Lifeguard personnel standards at post-10/01/99 and pre-10/01/99 pools. Post-10/01/99 and pre-10/01/99 pools shall comply with the following lifeguard requirements:

(1) lifeguards shall hold a current ARC "Lifeguard Training" certificate or the equivalent certification from an aquatic safety organization, which also includes

Appendix C

training in ARC "Adult, Infant, and Child CPR" and "Community First Aid" or their equivalent;

(2) each lifeguard shall be given an assigned surveillance area commensurate with ability;

(3) lifeguards conducting surveillance of pool users shall not be assigned duties that would distract their attention from proper observation of the users, or that would prevent immediate assistance to persons in the water;

(4) when a lifeguard is provided at a pool, the following shall apply:

(A) the number of lifeguards shall be adequate to provide supervision, continuous surveillance, and close observation of pool users in all areas of the pool and at all times when the pool is in use. No user shall be permitted in a pool area unless the lifeguard(s) are present; and

(B) an additional lifeguard, or second responder who is monitoring and readily available at the pool, and who has a minimum training in (ARC) "Adult, Infant, and Child CPR" and "Community First Aid" or equivalent training, shall also be in the pool area when the pool is in use;

(5) all lifeguards and second responders shall receive training in the application of effective pool emergency procedures for events such as submersions, suspected spinal injury, medical emergencies, missing persons, bad weather, etc. Such training will be reviewed as necessary and kept current;

(6) pool facilities shall provide alertness/response drills and other training including documentation of the following:

(A) a pre-season training program;

(B) a continual "in-service" training program for all lifeguards, and other aquatic personnel totaling a minimum 60 minutes per week;

(C) performance "audits" as recommended by the ARC or YMCA or equivalent aquatic safety organization; and

(D) an emergency action plan similar to the one outlined by the ARC or YMCA or equivalent aquatic safety organization;

Appendix C

(7) management at each facility shall maintain a current file with each staff person's current certification including expiration dates;

(8) owners shall allow lifeguards to have sufficient break time from guarding activities as recommended by the ARC or YMCA or equivalent aquatic safety organization;

(9) lifeguards and second responders shall be provided at:

(A) post-10/01/99 and pre-10/01/99 Class A pools during competitive events;

(B) post-10/01/99 and pre-10/01/99 Class B pools; and

(C) post-10/01/99 and pre-10/01/99 Class C pools with a diving board or a slide that is not locked or chained to prevent use of the diving board or slide; and

(10) where lifeguards are not provided, refer to subsection (f)(1) of this section relating to signs.

(h) Lifeguard chairs and lifeguard equipment for post-10/01/99 and pre-10/01/99 pools. Post-10/01/99 and pre-10/01/99 pools shall comply with the following requirements, as applicable:

(1) A post-10/01/99 pool that has a diving board(s) shall have at least one elevated lifeguard chair, located to provide a clear unobstructed view of the pool bottom in the diving area and shall comply with the following.

(A) The seat of the lifeguard chair in the diving water area shall be located at an elevation at least 4 feet above the pool deck. The lifeguard chair may be portable so that its location can be optimized to prevent glare and provide proper supervision.

(B) If the width of the pool is 45 feet or more, an additional elevated chair or station shall be provided and shall be located in the diving area on the opposite side of the pool.

(C) Such lifeguard platforms or chairs shall be placed in locations to reduce sun glare on the water, and in positions which allow complete visual coverage of the pool and the pool bottom within a field of view no greater than 90 degrees on either side of a line of sight extending straight out from the platform or chair.

Appendix C

(2) At post-10/01/99 and pre-10/01/99 pools, lifeguard(s) shall have a sufficient number of standard rescue tube(s) or buoy(s) with attached rope/strap and other equipment as necessary for use by the lifeguard(s). Such equipment shall be immediately accessible at all times. Lifeguard(s) and second responders shall be dressed in swimming attire so that they are readily identifiable as members of the staff.

(i) Pool safety equipment for post-10/01/99 and pre-10/01/99 pools. Post-10/01/99 and pre-10/01/99 pools shall comply with the following standards:

(1) lifesaving equipment at post-10/01/99 and pre-10/01/99 Class A, B, and C pools. At post-10/01/99 and pre-10/01/99 Class A, B, and C pools having less than 2,000 square feet of surface area, at least one of each of the following items of lifesaving equipment shall be provided for the pool:

(A) a reaching pole that is light, strong, non-telescoping and at least 12 feet long. The pole shall be constructed of fiberglass or other material that does not conduct electricity and shall have a body hook or shepherd's crook with blunted ends attached to it; and

(B) a throwing rope that is 1/4-inch to 3/8-inch diameter, with a length at least two-thirds the maximum width of the pool. A ring buoy that is approved by the United States Coast Guard and that has an outside diameter of 15 to 24 inches shall be attached to the throwing rope;

(C) if the pool has between 2,000 and 4,000 square feet of water surface area, an additional reaching pole and throwing rope with ring buoy, as described in subparagraphs (A) and (B) of this paragraph shall be provided. If the pool has over 4,000 square feet of water surface area, an additional reaching pole and throwing rope with ring buoy as described in subparagraphs (A) and (B) of this paragraph shall be provided for each 6,000 square feet of water surface area or portion thereof over 4,000 square feet. All such lifesaving equipment shall be mounted in conspicuous places around the pool deck within 20 feet of the pool. All lifesaving equipment shall be kept in good repair and ready condition.

(2) backboards at post-10/01/99 and pre-10/01/99 pools. Post-10/01/99 and pre-10/01/99 Class A and B pools and Class C pools that have a diving board, slide, or lifeguard shall have one or more backboards with a minimum of 3 tie down straps and head immobilizer for back and neck injuries; and

Appendix C

(3) first aid kits at post-10/01/99 and pre-10/01/99 pools. Post-10/01/99 and pre-10/01/99 Class A and B pools and other pools with lifeguards shall be equipped with a first aid kit meeting OSHA requirements. First aid kits shall be a standard 24-unit kit and housed in a durable weather resistant container and kept filled and ready for use (including disease transmission barriers and cleansing kits that meet OSHA standards).

(j) Telephones at post-10/01/99 and pre-10/01/99 pools and spas. Post-10/01/99 and pre-10/01/99 pools and spas shall have a telephone that is capable of immediately summoning emergency service and that is readily accessible within 200 feet from the pool or spa water. Any other electronic means of summoning emergency service will qualify as a telephone if clear instructions for its use are provided by signage. A telephone that is answered by an on-site office does not meet the requirements of this subsection. The following shall apply to telephones for post-10/01/99 and pre-10/01/99 pools and spas.

(1) The telephone may be located inside or outside of the pool yard or spa yard if the enclosure entry gates and doors of the pool yard or spa yard are never locked in any manner, or the gate or fence is not more than 4 feet 4 inches tall.

(2) The telephone shall be located inside or outside of the pool yard if the pool is a Class A or B pool.

(3) The telephone must be located outside of all other pool yards or spa yards if all of the following occur:

(A) the entry gate(s) or door(s) are locked on either side of the gate or door;

(B) the enclosure entry gates and doors and the enclosure fences and walls are all higher than 4 feet 4 inches; and

(C) the pool or spa is operated in conjunction with:

(i) lodging such as hotels, motels, apartments, condominiums, or mobile homes parks;

(ii) a property owners association, private organization, or club;

(iii) a school, college, or university while being operated for academic or continuing education classes, or

Appendix C

(iv) practice event (excluding competition events in accordance with subparagraph (A) of this paragraph).

(4) Each entry gate and door of a pool yard or spa yard that is locked must have a sign on the exterior of the gate or door or on the exterior of the enclosure fence or wall immediately adjacent to the gate or door, stating the location of the telephone outside of the enclosure and complying with the content and letter size of paragraph (5) of this subsection if:

(A) the telephone is located outside the pool yard of a Class A or B pool; or

(B) the telephone is required to be located outside the pool yard or spa yard under paragraph (3) of this subsection.

(5) Regardless of where the telephone is located or whether the gate(s) or door(s) are locked, a sign must be installed inside the pool yard or spa yard in plain view of the pool or spa and state in letters at least 1 inch high: "In case of emergency, call 911". If the telephone is not readily visible from the pool or spa, the sign inside the pool yard or spa yard shall include a concise description of the location of the telephone.

(k) Lighting for post-10/01/99 and pre-10/01/99 pools and spas. Lighting for decks and water surfaces of post-10/01/99 or pre-10/01/99 pool or spa shall be provided according to this subsection. Lighting for such pools and spas shall comply with the following:

(1) lighting above water level for decks and water surfaces shall be not less than 0.5 watts (incandescent equivalent) per square foot of the combined deck and water surface areas of the pool or spa;

(2) if underwater lighting is installed in a pool, the underwater lighting shall be 0.5 watts per square foot of water surface area of the pool, and the water surface area need not be counted for purposes of subsection (l) of this section; and

(3) lighting shall be spaced to provide illumination to all portions of the deck and water surface areas of a pool or spa. The bottom of the pool or spa must be readily seen without glare.

(l) Indoor ventilation for post-10/01/99 pools and spas. A post-10/01/99 pool or spa that is constructed indoors must meet ASHRAE 62-1989 "Ventilation for Acceptable Indoor Air Quality" standards.

Appendix C

(m) Safety and sanitation of special aquatic activity devices. Post-10/01/99 or pre-10/01/99 special aquatic activity devices involving a water circulation system separate from the circulation system for a pool (e.g., separate pump, holding tank, etc.) shall comply with the following sections to the same extent the sections apply to pools, except as otherwise noted:

(1) §265.187 of this title (relating to Circulation Systems for Post-10/01/99 and Pre-10/01/99 Pools and Spas), except that the water turnover rate shall be at least once every 30 minutes, and a vacuum cleaning system is not required;

(2) §265.188 of this title (relating to Filters at Post-10/01/99 and Pre-10/01/99 Pools and Spas);

(3) §265.189 of this title (relating to Pumps and Motors at Post-10/01/99 and Pre-10/01/99 Pools and Spas);

(4) §265.190 of this title (relating to Suction Outlets and Return Inlets at Post-10/01/99 and Pre-10/01/99 Pools and Spas);

(5) §265.192 of this title (relating to Electrical Requirements for Post-10/01/99 and Pre-10/01/99 Pools, Spas, Pool Yards, and Spa Yards);

(6) §265.194 of this title (relating to Pool or Spa Water Supply for Post-10/01/99 and Pre-10/01/99 Pools and Spas);

(7) §265.196 of this title (relating to Waste Water Disposal at Post-10/01/99 and Pre-10/01/99 Pools and Spas);

(8) §265.197 of this title (relating to Disinfection Equipment and Chemical Feeders for Post-10/01/99 and Pre-10/01/99 Pools and Spas); and

(9) §265.204 of this title (relating to Water Quality for Post-10/01/99 and Pre-10/01/99 Pools and Spas).

Source Note: The provisions of this §265.199 adopted to be effective September 1, 2004, 29 TexReg 7704

Appendix C



- Texas Administrative Code (Last Updated: December 5, 2014)
 - TITLE 25. HEALTH SERVICES
 - PART 1. DEPARTMENT OF STATE HEALTH SERVICES
 - CHAPTER 265. GENERAL SANITATION
 - SUBCHAPTER L. STANDARDS FOR PUBLIC POOLS AND SPAS

SECTION 265.200. Pool Yard and Spa Yard Enclosures for Post-10/01/99 and Pre-10/01/99 Pools and Spas

Latest version.

(a) Enclosures for post-10/01/99 and pre-10/01/99 Class A and B pools and spas and post-10/01/99 and pre-10/01/99 residential youth camp pools and spas.

(1) Post-10/01/99 and pre-10/01/99 Class A and B pools, and post-10/01/99 and pre-10/01/99 pools and spas that are located at residential youth camps required to be licensed under Health and Safety Code, Chapter 141 shall be enclosed by a barrier consisting of one of the following, or equivalent barrier: a fence, portion of a building, wall, or other durable enclosure.

(2) A building that serves as part of the enclosure shall have doors or gates that open into the pool yard only if:

(A) any doors or gates between the building and the pool yard are for entry into a storage room, restroom, shower room, dressing room, or mechanical room adjacent to the pool;

(B) the room does not have any door or gate openings to the outside of the pool yard enclosure; and

(C) the room does not contain any gas chlorine containers.

(3) The enclosure, including doors and gates, shall:

(A) have a minimum effective perpendicular height of at least 6 feet as measured from the ground surface on the outside of the fence;

(B) have no openings in the enclosure through or under which a 4-inch diameter sphere can pass;

Appendix C

(C) be designed and constructed so that it cannot be readily climbed; and

(D) have all doors, gates, and windows in the enclosure directly and continuously supervised by staff at the pool during hours of operation, or locked to prevent unauthorized entry.

(b) Enclosures for post-10/01/99 or pre-10/01/99 Class C pools and spas and Class D pools at a Class C facility that are subject to Health and Safety Code, Chapter 757. A post-10/01/99 or pre-10/01/99 pool or spa that is subject to Health and Safety Code, Chapter 757 (covering pool yards and spa yards of apartments, property owner associations, and similar residential developments) shall have an enclosure as required in Chapter 757.

(c) Enclosures for all other post-10/01/99 or pre-10/01/99 Class C pools and spas and Class D pools at Class C facilities. A post-10/01/99 or pre-10/01/99 Class C pool or spa or a Class D pool at a Class C facility that is not subject to Health and Safety Code, Chapter 757 (such as pools and spas for hotels, motels, RV parks, etc.) must have a pool yard or spa yard enclosure in compliance with this subsection.

(1) The pool yard or spa yard enclosure for a post-10/01/99 or pre-10/01/99 pool or spa subject to this subsection shall consist of one or a combination of a fence, portion of a building, wall or other durable enclosure. The enclosure shall comply with the following:

(A) the enclosure must have a minimum perpendicular height of at least 48 inches as measured from the ground surface on the outside of the fence;

(B) openings in or under the enclosure shall not allow the passage of a 4-inch diameter sphere;

(C) planters or other structures that might allow small children to climb over the enclosure shall not be permitted within 36 inches, measured horizontally, from the outside of the enclosure;

(D) chain link fencing may be used for the enclosure of a pre-10/01/99 pool and spa if the chain link fencing was installed before September 1, 2004. Chain link fencing shall not be used for an enclosure for a post-10/01/99 pool or spa constructed on or after the effective date of these rules;

Appendix C

(E) doors, gates, or windows that open into a building are allowed as part of a pre-10/01/99 pool or spa enclosure. Windows that are capable of being opened are not allowed as part of a post-10/01/99 pool or spa enclosure. Doors or gates of a building that are capable of being opened are not allowed as part of a post-10/01/99 pool or spa enclosure unless:

(i) the doors or gates between the building and the pool yard or spa yard are for entry into a storage room, restroom, shower room, dressing room or mechanical room adjacent to the pool;

(ii) the room does not have any door or gate openings to the outside of the pool yard or spa yard enclosure; and

(iii) the room does not contain any gas chlorine containers.

(2) Gates and doors for pool yard or spa yard enclosures for post-10/01/99 and pre-10/01/99 pools and spas subject to this subsection shall:

(A) be equipped with self-closing and self-latching devices and be latched when the pool or spa is not in use. The self-closing device shall be designed to keep the gate or door securely closed and the self-latching device shall latch when the gate is allowed to close within its range of operation, which is from its fully open position to 6 inches from the fully closed position;

(B) open outward away from the pool or spa except for gates constructed before October 1, 1999, in compliance with an applicable city ordinance;

(C) have hand activated door or gate opening hardware located at least 3.5 feet above the deck or walkway;

(D) be capable of being locked;

(E) be locked if it is for entry into a Class A or B pool or a spa, and the pool or spa is not open for use; and

(F) be locked if it is for entry into a Class C pool or a spa or Class D pool at a Class C facility and the pool or spa needs to be closed because of repairs, hazards, or other conditions.

(3) Pool yard and spa yard enclosures for post-10/01/99 pools and spas shall be constructed so that all persons will be required to pass through an enclosure gate or door in order to gain access to the pool or spa. All gates and doors exiting a

Appendix C

pool yard or spa yard of a post-10/01/99 pool or spa shall open into a public area or walkway accessible by all users of the pool or spa.

(d) Gates propped open prohibited. No pool or spa owner or his agent or employee may knowingly allow a gate in a pool yard or spa yard enclosure to be propped open or to remain propped open and no person may prop open such gate unless an agent, employee, or contractor of the owner is present and doing construction, maintenance, or repair work in the pool yard or spa yard or on its enclosure that reasonably requires the gate to be propped open.

Source Note: The provisions of this §265.200 adopted to be effective September 1, 2004, 29 TexReg 7704

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Appendix C



 Texas Administrative Code (Last Updated: December 5, 2014)

- TITLE 25. HEALTH SERVICES
 - PART 1. DEPARTMENT OF STATE HEALTH SERVICES
 - CHAPTER 265. GENERAL SANITATION
 - SUBCHAPTER L. STANDARDS FOR PUBLIC POOLS AND SPAS

SECTION 265.201. Dressing and Sanitary Facilities at Post-10/01/99 and Pre-10/01/99 Pools and Spas

Latest version.

(a) Fixture design at post-10/01/99 facilities. Fixtures at facilities for post-10/01/99 and pre-10/01/99 pools and spas shall be designed so that they are readily cleanable.

(b) Fixture installation at post-10/01/99 and pre-10/01/99 facilities. Fixtures at facilities for post-10/01/99 and pre-10/01/99 pools and spas shall be installed in accordance with local plumbing codes and shall be properly protected by cross-connection control devices (backflow prevention devices).

(c) Proper cleaning at post-10/01/99 and pre-10/01/99 facilities. Facilities for post-10/01/99 and pre-10/01/99 pools and spas shall be cleaned as necessary to maintain sanitary conditions at all times.

(d) Adequate ventilation at post-10/01/99 facilities. Adequate ventilation shall be provided in facilities for post-10/01/99 and pre-10/01/99 pools and spas to prevent objectionable odors in accordance with §265.199(l) of this title (relating to Specific Safety Features for Post-10/01/99 and Pre-10/01/99 Pools and Spas).

(e) Dressing and sanitary facilities at facilities for post-10/01/99 Class A, or B pools or spas and Class D pools operated in conjunction with a Class A or B pool. Adequate dressing and sanitary facilities shall be provided for post-10/01/99 Class A or B pools and for post-10/01/99 Class D pools operated in conjunction with a Class A or Class B pool.

(1) Separate dressing and sanitary facilities shall be provided for each gender. The rooms shall be well lit, drained, ventilated, and of good construction, using impervious materials. They shall be developed and planned so that good sanitation

Appendix C

will be maintained throughout the building at all times. An appropriate number of dressing rooms that can accommodate a family are allowed.

(2) Partitions between portions of the dressing room area, screen partitions, shower, toilet, and dressing room booths shall be of durable material not subject to damage by water and shall be designed so that a waterway is provided between partitions and floor to permit thorough cleaning of the walls and floor areas with hoses and brooms.

(3) At least one shower and dressing booth for each gender shall be provided. This condition may be subject to variation for schools and other institutional use where a pool or spa may be open to one gender at a time.

(4) Floors shall have a slip-resistant surface and shall be sufficiently smooth to ensure ease in cleaning. Floor drains shall be provided, and floors shall be sloped 1/4 inch per foot toward the drains to ensure positive drainage.

(5) An adequate number of hose bibs and a hose of adequate length shall be provided for washing down all areas of the dressing facility interior. Adequate cross-connection control devices as approved by the TCEQ or local regulatory authority shall be provided. When not in use, hoses shall be stored in such a manner to prevent a trip hazard.

(f) Lavatories, showers, and toilets at post-10/01/99 pools and spas. Except as provided in subsection (g) of this section, the following requirements apply to lavatories, showers and toilets in facilities serving post-10/01/99 Class A, B, C, or D pools and spas:

(1) the required fixture schedule is contained in the following table:

Attached Graphic

(2) the number of fixtures should be increased for swimming pools at schools or similar locations where load may reach peaks due to schedule of use; and

(3) shower(s) and lavatory(ies) water temperature shall be controlled by anti-scald devices. The water heater and thermostatically-controlled mixing valves shall be inaccessible to users and shall be capable of providing 2 gallons per minute of water between 90 to 110 degrees Fahrenheit to each shower head. A shower can be located on the deck of the pool if proper wastewater disposal is provided. The shower need not be enclosed in Class C pools.

Appendix C

(g) Sanitary facilities serving post-10/01/99 pools or spas in apartments, hotels, motels or condominiums. Post-10/01/99 Class C and D pools and spas located in an apartment, hotel, motel or condominium complex are not required to have the following facilities:

- (1) showers;
- (2) dressing rooms;
- (3) toilets;
- (4) urinals unless the facility has toilets for persons using the pool or spa;
- (5) hand drying towels unless the facility has a lavatory in an enclosed room;
- (6) baby changing table unless the facility has a dressing room or toilets; and
- (7) a lavatory if a faucet is installed at lavatory height and in compliance with subsection (f)(3) of this section and proper wastewater disposal is provided.

(h) Additional requirements for sanitary facilities at post-10/01/99 and pre-10/01/99 pools and spas. Post-10/01/99 and pre-10/01/99 sanitary facilities serving a post-10/01/99 or pre-10/01/99 pool or spa shall comply with the following whenever lavatories, toilets, mirrors, or dressing rooms are provided:

- (1) Soap dispensers with liquid or powdered soap shall be provided at each lavatory. The dispenser shall be of all metal or plastic type with no glass permitted in these units;
- (2) any mirrors shall be shatter resistant;
- (3) toilet paper holders and toilet paper shall be provided at each toilet;
- (4) covered waste receptacles shall be provided in toilet or dressing room areas; and
- (5) single-use hand drying towels or hand drying devices shall be provided near the lavatory.

Source Note: The provisions of this §265.201 adopted to be effective September 1, 2004, 29 TexReg 7704

Appendix C



- ☒ Texas Administrative Code (Last Updated: December 5, 2014)
 - TITLE 25. HEALTH SERVICES
 - PART 1. DEPARTMENT OF STATE HEALTH SERVICES
 - CHAPTER 265. GENERAL SANITATION
 - SUBCHAPTER L. STANDARDS FOR PUBLIC POOLS AND SPAS

SECTION 265.202. Food, Beverages, and Containers at Post-10/01/99 and Pre-10/01/99 Pools and Spas

Latest version.

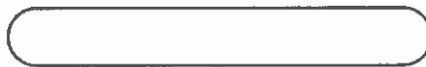
(a) Food and beverages while in the water at post-10/01/99 and pre-10/01/99 pools and spas. At post-10/01/99 and pre-10/01/99 pools and spas, no person shall eat, drink, or smoke while in the pool or spa water.

(b) Non-breakable containers at post-10/01/99 and pre-10/01/99 pools and spas. At post-10/01/99 and pre-10/01/99 pools and spas, food and beverage(s) shall be served only in non-breakable containers. Glass containers shall not be allowed on a deck, in a pool or spa, or elsewhere in a pool yard or spa yard.

(c) Trash containers at post-10/01/99 and pre-10/01/99 pools and spas. At post-10/01/99 and pre-10/01/99 pools and spas, trash containers shall be provided where food and/or beverage(s) are allowed.

Source Note: The provisions of this §265.202 adopted to be effective September 1, 2004, 29 TexReg 7704

Appendix C



- Texas Administrative Code (Last Updated: December 5, 2014)
 - TITLE 25. HEALTH SERVICES
 - PART 1. DEPARTMENT OF STATE HEALTH SERVICES
 - CHAPTER 265. GENERAL SANITATION
 - SUBCHAPTER L. STANDARDS FOR PUBLIC POOLS AND SPAS

SECTION 265.203. Operation and Management of Post-10/01/99 and Pre-10/01/99 Pools and Spas

Latest version.

(a) Required operator certification for certain types of post-10/01/99 and pre-10/01/99 pools and spas. Post-10/01/99 and pre-10/01/99 Class A or B pools and Class D pools operated in conjunction with a Class A or B pool shall be maintained under the supervision and direction of a properly trained and certified operator who is responsible for the sanitation, safety, and proper maintenance of the pool or spa, and for maintaining all physical and mechanical equipment and records. Training and certification can be obtained by completion of one of the following courses or their equivalent:

- (1) the NRPA, "Aquatic Facility Operator" (A.F.O.);
- (2) the NSPF, "Certified Pool-Spa Operator" (C.P.O.);
- (3) YMCA, "Pool Operator on Location" (P.O.O.L.);
- (4) the NSPI, "Professional Pool & Spa Operator" (P.P.S.O.); or
- (5) the ASPSA, "Licensed Aquatic Facility Technician" (L.A.F.T.).

(b) Water clarity standards for post-10/01/99 and pre-10/01/99 pools and spas. Areas of a post-10/01/99 or pre-10/01/99 pool or spa shall be opened for use only if the pool or spa bottom and/or main drains are clearly visible. Possible visual occlusion by sediment or other matter shall be checked before opening a pool and periodically, as necessary, while the pool is in use. To check the pool or spa when in use, bathers shall exit and the pool or spa water shall be allowed to calm. Clarity shall be observed between 1 to 5 minutes after users have exited. The pool or spa shall be opened for use only if the bottom and/or main drains are clearly visible.

Appendix C

Sediment or other matter that may cause visual occlusion shall be vacuumed, filtered or otherwise removed as needed prior to pool use.

(c) Equipment for water clarity for post-10/01/99 and pre-10/01/99 pools and spas. When a post-10/01/99 or pre-10/01/99 pool or spa is open for use, filtration, circulation systems, chemical/disinfectant feeders, slurry feeders, heaters, etc., that are dependent upon circulation pump flow shall be operating, plus any additional time necessary to ensure continuous water clarity and chemical distribution.

(1) The pool and spa shall be operated to maintain the turnover rates as stated in §265.187(b)(1) of this title (relating to Circulation Systems for Post-10/01/99 Pools and Spas) and §265.187(c) of this title.

(2) Circulation pumps shall run continuously 24 hours a day year round and not be throttled to reduce circulation below the design flow rate, except that a pool pump may run less than 24 hours a day if:

(A) a "Pool Closed" sign, with letters at least 1-inch tall, is posted on the exterior side of each entry gate into the pool yard; and

(B) the pump runs a sufficient number of hours needed to keep the water at required clarity and disinfectant levels; and

(C) the pump runs the same number of hours each day.

(d) Off season water clarity for post-10/01/99 and pre-10/01/99 outdoor pools and spas. When a post-10/01/99 or pre-10/01/99 outdoor pool or spa is not in use for an extended period of time (such as off season), clarity shall be maintained and algae growth shall be prevented; however, other water quality parameters as required in §265.204(a) of this title (relating to Water Quality for Post-10/01/99 and Pre-10/01/99 Pools and Spas) do not need to be maintained. Other methods may be used to maintain pools and spas during extended periods of non-use if the methods are approved by local authorities in writing and water clarity is maintained.

(e) Off season safety for post-10/01/99 and pre-10/01/99 pools and spas. When a post-10/01/99 or pre-10/01/99 pool or spa is not in use after seasonal operation, while under construction or renovation, or for any other reason, the facility shall not be allowed to give off objectionable odors, become a breeding site for insects, or create any other nuisance situation or safety hazard.

Appendix C

(f) Domestic animals prohibited at post-10/01/99 and pre-10/01/99 pools and spas. Domestic animals and other pets shall not be allowed within a post-10/01/99 or pre-10/01/99 pool or spa enclosure area, except that service animals shall be allowed on the deck and within the pool enclosure but not in the pool.

(g) Actual water level at post-10/01/99 and pre-10/01/99 pools and spas. Actual water level in a post-10/01/99 or pre-10/01/99 pool or spa shall be maintained within the operating water level range of the system's rim or weir device.

(h) Protection from chemicals for post-10/01/99 and pre-10/01/99 pools and spas. Personnel in charge of maintaining a post-10/01/99 or pre-10/01/99 pool or a spa shall be properly trained in accordance with §265.197(a)(5) of this title (relating to Disinfectant Equipment and Chemical Feeders at Post-10/01/99 and Pre-10/01/99 Pools and Spas).

(i) Maximum load limits for post-10/01/99 pools and spas. The maximum load limits for a post-10/01/99 pool and spa shall be calculated and posted. Load limits are indicated in §265.184(n) of this title (relating to General Construction and Design for Post-10/01/99 Pools and Spas).

(j) Use of life jackets for post-10/01/99 and pre-10/01/99 pools and spas. No person shall be prohibited from the use of a life jacket in a post-10/01/99 or pre-10/01/99 pool or spa.

(k) Proper use of chemicals at post-10/01/99 and pre-10/01/99 pools and spas. Use of chemicals at post-10/01/99 and pre-10/01/99 pools and spas shall be according to the chemical manufacturer's directions. No chemical shall be used in a way that violates the manufacturer's instructions for the chemical feed system or the ANSI/NSF 50 certification of the chemical feed system.

(l) Use of registered products at post-10/01/99 and pre-10/01/99 pools and spas. In post-10/01/99 and pre-10/01/99 pools and spas, only chemicals registered and labeled for use in pools and spas by U.S. Environmental Protection Agency shall be used.

Source Note: The provisions of this §265.203 adopted to be effective September 1, 2004, 29 TexReg 7704

Appendix C



- Texas Administrative Code (Last Updated: December 5, 2014)
 - TITLE 25. HEALTH SERVICES
 - PART 1. DEPARTMENT OF STATE HEALTH SERVICES
 - CHAPTER 265. GENERAL SANITATION
 - SUBCHAPTER L. STANDARDS FOR PUBLIC POOLS AND SPAS

SECTION 265.205. Construction, Operation, and Maintenance of Post-10/01/99 and Pre-10/01/99 Spas

Latest version.

(a) General construction standards for pre-10/01/99 spas. Pre-10/01/99 spas shall comply with good public health engineering practices for construction of pre-10/01/99 pools and spas prevailing at the time of original construction as required by Health and Safety Code, §341.064(g), and shall comply with applicable rules at the time of original construction.

(b) General construction standards for post-10/01/99 spas. Post-10/01/99 spas shall comply with good public health engineering practices for construction of post-10/01/99-built pools and spas prevailing at the time of original construction as required by Health and Safety Code, §341.064(g), and shall comply with ANSI/NSPI-2 1992 Standards for Public Spas except as otherwise provided in these rules.

(c) General standards for circulation equipment in post-10/01/99 spas. Circulation equipment on post-10/01/99 spas, such as pumps, filters, skimmers, chemical feeders, and other circulation equipment, shall comply with ANSI/NSF 50-1996 except as otherwise noted in §265.190(h) of this title (relating to Suction Outlets and Return Inlets at Post-10/01/99 and Pre-10/01/99 Pools and Spas).

(d) General standards for replacement of circulation equipment in pre-10/01/99 spas. Circulation equipment replaced on pre-10/01/99 spas shall comply with ANSI/NSF 50-1996 except as otherwise noted in §265.190(h) of this title.

(e) Specific construction and operational standards for post-10/01/99 spas. The following standards apply to post-10/01/99 spas as specifically stated therein.

- (1) §265.181 of this title (relating to General Provisions);

Appendix C

(2) §265.182 of this title (relating to Definitions);

(3) §265.183 of this title (relating to Plans, Permits and Instructions for Post-10/01/99 Pools and Spas);

(4) §265.185 of this title (relating to General Construction and Design for Post-10/01/99 Pools and Spas), and as follows:

(A) the maximum water depth shall be 4 feet from the design waterline except when approved by the local regulatory authority; and

(B) multi-level seating may be provided, but the maximum water depth of any seat or sitting bench shall be 24 inches, measured from the design waterline.

(5) §265.186(a) and (b) of this title (relating to Decks, Entry/Exit, Diving Facilities, and Other Deck Equipment for Post-10/01/99 and Pre-10/01/99 Pools and Spas). Also see ANSI/NSPI-2 1992;

(6) §265.187 of this title (relating to Circulation Systems for Post-10/01/99 and Pre-10/01/99 Pools and Spas);

(7) §265.188 of this title (relating to Filters at Post-10/01/99 and Pre-10/01/99 Pools and Spas);

(8) §265.189 of this title (relating to Pumps and Motors at Post-10/01/99 and Pre-10/01/99 Pools and Spas);

(9) §265.190 of this title (relating to Suction Outlets and Return Inlets at Post-10/01/99 and Pre-10/01/99 Pools and Spas);

(10) §265.191 of this title (relating to Surface Skimming and Perimeter Overflow Gutter Systems for Post-10/01/99 Pools and Spas);

(11) §265.192 of this title (relating to Electrical Requirements for Post-10/01/99 and Pre-10/01/99 Pools, Spas, Pool Yards and Spa Yards);

(12) §265.193 of this title (relating to Heating of Post-10/01/99 and Pre-10/01/99 Pools and Spas);

(13) §265.194 of this title (relating to Pool or Spa Water Supply for Post-10/01/99 and Pre-10/01/99 Pools and Spas);

Appendix C

- (14) §265.195 of this title (relating to Drinking Water at Post-10/01/99 and Pre-10/01/99 Pools and Spas);
- (15) §265.196 of this title (relating to Waste Water Disposal at Post-10/01/99 and Pre-10/01/99 Pools and Spas);
- (16) §265.197 of this title (relating to Disinfectant Equipment and Chemical Feeders for Post-10/01/99 and Pre-10/01/99 Pools and Spas);
- (17) §265.198 of this title (relating to Gas Chlorination at Post-10/01/99 and Pre-10/01/99 Pools and Spas);
- (18) §265.199 of this title (relating to Specific Safety Features for Post-10/01/99 and Pre-10/01/99 Pools and Spas);
- (19) §265.200 of this title (relating to Pool Yard and Spa Yard Enclosures for Post-10/01/99 and Pre-10/01/99 Pools and Spas);
- (20) §265.201 of this title (relating to Dressing and Sanitary Facilities at Post-10/01/99 and Pre-10/01/99 Pools and Spas);
- (21) §265.202 of this title (relating to Food, Beverages, and Containers at Post-10/01/99 and Pre-10/01/99 Pools and Spas);
- (22) §265.203 of this title (relating to Operation and Management of Post-10/01/99 and Pre-10/01/99 Pools and Spas);
- (23) §265.204 of this title (relating to Water Quality at Post-10/01/99 and Pre-10/01/99 Pools and Spas); and
- (24) air blowers and other devices and systems which induce or allow air to enter the spa either by means of a power pump or passive design and shall comply with the following:
 - (A) the air blower systems shall prevent water backflow that could cause electrical shock hazards in accordance with ANSI/UL 1563-1995;
 - (B) air intake sources shall not induce water external to the spa unit dirt or contaminants, into the spa;
 - (C) the air induction system shall be properly sized in accordance with the manufacturer's sizing specification;

Appendix C

(D) when installing an air blower indoors or within an enclosure, adequate ventilation is required. The air induction system shall be installed in accordance with the manufacturer's recommendations;

(E) the air blowers shall be installed in accordance with the NEC and any federal, state or local codes;

(F) the air blower shall be accessible for inspection and service;

(G) integral air passages shall be pressure tested at time of manufacture to provide structural integrity to a value of 1.5 times the intended working pressure; and

(H) if an air blower or other means of introducing air is provided, a manually operated timer switch located as to require the exiting of the spa to reset shall be provided. Such a timer shall operate the spa blower and circulation pump and shall automatically shut the blower and circulation pump off in 15 minutes or when manually switched to the off position.

(f) Other safety-related requirements for post-10/01/99 and pre-10/01/99 spas. Post-10/01/99 and pre-10/01/99 spas shall comply with the following:

(1) First aid kits. Post-10/01/99 and pre-10/01/99 spas operated in conjunction with a Class A or B pool shall be equipped with a standard, 24-unit first aid kit that meets OSHA requirements and is kept ready for use at all times. First aid kits shall be housed in a durable weather resistant container and kept filled and ready for use including disease transmission barriers and cleansing kits that meet OSHA standards.

(2) Telephone. Post-10/01/99 and pre-10/01/99 spas shall provide a means of summoning help in an emergency, and a sign shall be provided in accordance with §265.199(j) of this title.

(3) Spa yard enclosures. Post-10/01/99 and pre-10/01/99 spas shall be provided with an enclosure as follows:

(A) a post-10/01/99 or pre-10/01/99 spa at a complex subject to Health and Safety Code, Chapter 757, shall be provided with an enclosure as required in that code;

(B) all other post-10/01/99 and pre-10/01/99 spas shall be provided with an enclosure required by §265.200 of this title.

Appendix C

(4) Deck depth markers. Deck depth markers for post-10/01/99 and pre-10/01/99 spas shall comply with the following:

(A) spas shall have permanent deck depth markers with numbers and units of measurement a minimum of 4 inches high plainly and conspicuously visible from all obvious points of entry;

(B) there shall be a minimum of 2 deck depth markers per spa, regardless of spa size or shape;

(C) deck depth markers shall be spaced at no more than 25-foot intervals and shall be uniformly located around the entry areas of the spa;

(D) deck depth markers and units of measurement shall be within 24 inches of the water edge and positioned to be read while standing on the deck facing the water;

(E) deck depth markers shall be positioned to be read while standing on the deck facing the water;

(F) deck depth markers in or on the deck surfaces shall be slip-resistant;

(G) units of measurement shall either spell out "feet" or "inches" or abbreviate "FT", "IN" or feet and fractions of a foot. In addition to feet and inches the depth of water may also be displayed in meters. Units of measurement for meter depth markers may be spelled out "meters" or abbreviated "M"; and

(H) deck depth markers shall indicate the spa depth from the design water level to the floor of the spa with a vertical measurement taken 3 feet from the spa wall.

(5) Temperature and thermometers. Post-10/01/99 and pre-10/01/99 spas shall comply with the following temperature safeguards:

(A) the maximum temperature of the water in the spa shall not exceed 104 degrees Fahrenheit (40 degrees Centigrade);

(B) a break-resistant thermometer (plus or minus 1 degree Fahrenheit tolerance) that is designed for use in a spa environment shall be available for patrons and staff to monitor spa temperature; and

(C) the controls for the spa temperature shall not be accessible to the spa user.

Appendix C

(6) Maximum load limits. Maximum load limits for post-10/01/99 spas are set forth in §265.184(n)(2) of this title and for pre-10/01/99 spas are set forth at §265.185(e)(2) of this title.

(7) Signs. Signs for post-10/01/99 and pre-10/01/99 spas shall be securely mounted and readily visible to the spa user from inside the spa enclosure. Signage shall state the following:

(A) the location of the nearest telephone or emergency-summoning device;

(B) "DO NOT USE THE SPA, IF THE WATER TEMPERATURE IS ABOVE 104 DEGREES FAHRENHEIT (40 DEGREES CENTIGRADE)" in letters at least 1 inch high;

(C) "WARNING-NO LIFEGUARD ON DUTY" with clearly legible letters at least 4 inches high if no lifeguard is required;

(D) "CHILDREN SHOULD NOT USE SPA WITHOUT ADULT SUPERVISION" with clearly legible letters at least 2 inches high if no lifeguard is required; and

(E) the maximum load limit as required in §265.203(i) of this title.

Source Note: The provisions of this §265.205 adopted to be effective September 1, 2004, 29 TexReg 7704

Appendix C



- Texas Administrative Code (Last Updated: December 5, 2014)
 - TITLE 25. HEALTH SERVICES
 - PART 1. DEPARTMENT OF STATE HEALTH SERVICES
 - CHAPTER 265. GENERAL SANITATION
 - SUBCHAPTER L. STANDARDS FOR PUBLIC POOLS AND SPAS

SECTION 265.207. Compliance, Inspections, and Investigations

Latest version.

(a) A department or local regulatory representative, upon presenting the department credentials, shall have the right to enter at all reasonable times any area or environment, including but not limited to the pool or spa facility, building, storage, equipment room, or office area to inspect and investigate for compliance with these sections, to review records, to question any person, or to locate, to identify, and to assess the condition of pool or spa facility.

(b) Advance notice or permission for inspections or investigations by the department or local regulatory authority is not required.

(c) A department or local regulatory representative shall not be impeded or refused entry in the course of his official duties by reason of any state or federal law or company policy. It is a violation of this chapter for a person to interfere with, deny, or delay an inspection or investigation conducted by a department or local regulatory representative.

Source Note: The provisions of this §265.207 adopted to be effective September 1, 2004, 29 TexReg 7704

HEALTH AND SAFETY CODE CHAPTER 757. POOL YARD ENCLOSURES

Appendix C

HEALTH AND SAFETY CODE

TITLE 9. SAFETY

SUBTITLE A. PUBLIC SAFETY

CHAPTER 757. POOL YARD ENCLOSURES

Sec. 757.001. DEFINITIONS. In this chapter:

(1) "Self-closing and self-latching device" means a device that causes a gate to automatically close without human or electrical power after it has been opened and to automatically latch without human or electrical power when the gate closes.

(2) "Doorknob lock" means a lock that is in a doorknob and that is operated from the exterior by a key, card, or combination and from the interior without a key, card, or combination.

(3) "Dwelling" or "rental dwelling" means one or more rooms rented to one or more tenants for use as a permanent residence under a lease. The term does not include a room rented to overnight guests.

(4) "French doors" means double doors, sometimes called double-hinged patio doors, that provide access from a dwelling interior to the exterior and in which each of the two doors are hinged and closable so that the edge of one door closes immediately adjacent to the edge of the other door with no partition between the doors. "French door" means either one of the two doors.

(5) "Keyed dead bolt" means a door lock that is not in the doorknob, that locks by a bolt in the doorjamb, that has a bolt with at least a one-inch throw if installed after September 1, 1993, and that is operated from the exterior by a key, card, or combination and operated from the interior by a knob or lever without a key, card, or combination. The term includes a doorknob lock that contains a bolt with at least a one-inch throw.

(6) (A) "Keyless bolting device" means a door lock not in the doorknob that locks:

(i) with a bolt with a one-inch throw into a strike plate screwed into the portion of the doorjamb surface that faces the edge of the door when the door is closed or into a metal doorjamb

Appendix C

that serves as the strike plate, operable only by knob or lever from the door's interior and not in any manner from the door's exterior, and that is commonly known as a keyless dead bolt;

(ii) by a drop bolt system operated by placing a central metal plate over a metal doorjamb restraint which protrudes from the doorjamb and which is affixed to the doorjamb frame by means of three case-hardened screws at least three inches in length. One half of the central plate must overlap the interior surface of the door and the other half of the central plate must overlap the doorjamb when the plate is placed over the doorjamb restraint. The drop bolt system must prevent the door from being opened unless the central plate is lifted off of the doorjamb restraint by a person who is on the interior side of the door; or

(iii) by a metal bar or metal tube that is placed across the entire interior side of the door and secured in place at each end of the bar or tube by heavy-duty metal screw hooks. The screw hooks must be at least three inches in length and must be screwed into the door frame stud or wall stud on each side of the door. The bar or tube must be capable of being secured to both of the screw hooks and must be permanently attached in some way to the door frame stud or wall stud. When secured to the screw hooks, the bar or tube must prevent the door from being opened unless the bar or tube is removed by a person who is on the interior side of the door.

(B) The term does not include a chain latch, flip latch, surface-mounted slide bolt, mortise door bolt, surface-mounted barrel bolt, surface-mounted swing bar door guard, spring-loaded nightlatch, foot bolt, or other lock or latch.

(7) "Multiunit rental complex" means two or more dwelling units in one or more buildings that are under common ownership, managed by the same owner, managing agent, or management company, and located on the same lot or tract of land or adjacent lots or tracts of land. The term includes a condominium project. The term does not include:

(A) a facility primarily renting rooms to overnight guests; or

(B) a single-family home or adjacent single-family homes that are not part of a condominium project.

Appendix C

(8) "Pool" means a permanent swimming pool, permanent wading or reflection pool, or permanent hot tub or spa over 18 inches deep, located at ground level, above ground, below ground, or indoors.

(9) "Pool yard" means an area that contains a pool.

(10) "Pool yard enclosure" or "enclosure" means a fence, wall, or combination of fences, walls, gates, windows, or doors that completely surround a pool.

(11) "Property owners association" means an association of property owners for a residential subdivision, condominium, cooperative, town home project, or other project involving residential dwellings.

(12) "Sliding door handle latch" means a latch or lock that is near the handle on a sliding glass door, that is operated with or without a key, and that is designed to prevent the door from being opened.

(13) "Sliding door pin lock" means a pin or rod that is inserted from the interior side of a sliding glass door at the side opposite the door's handle and that is designed to prevent the door from being opened or lifted.

(14) "Sliding door security bar" means a bar or rod that can be placed at the bottom of or across the interior side of the fixed panel of a sliding glass door and that is designed to prevent the sliding panel of the door from being opened.

(15) "Tenant" means a person who is obligated to pay rent or other consideration and who is authorized to occupy a dwelling, to the exclusion of others, under a verbal or written lease or rental agreement.

(16) "Window latch" means a device on a window or window screen that prevents the window or window screen from being opened and that is operated without a key and only from the interior.

Added by Acts 1993, 73rd Leg., ch. 517, Sec. 2, eff. Jan. 1, 1994.

Sec. 757.002. APPLICATION. This chapter applies only to:

(1) a pool owned, controlled, or maintained by the owner of a multiunit rental complex or by a property owners association; and

Appendix C

(j) The wall of a building may be part of the pool yard enclosure only if the doors and windows in the wall comply with Sections 757.006 and 757.007.

(k) The owner of a multiunit rental complex with a pool or a property owners association that owns, controls, or maintains a pool is not required to:

(1) build a pool yard enclosure at specified locations or distances from the pool other than distances for minimum walkways around the pool; or

(2) conform secondary pool yard enclosures, located inside or outside the primary pool yard enclosure, to the requirements of this chapter.

Added by Acts 1993, 73rd Leg., ch. 517, Sec. 2, eff. Jan. 1, 1994.

Sec. 757.004. GATES. (a) Except as otherwise provided by Section 757.005, a gate in a fence or wall enclosing a pool yard as required by Section 757.003 must:

(1) have a self-closing and self-latching device;

(2) have hardware enabling it to be locked, at the option of whoever controls the gate, by a padlock or a built-in lock operated by key, card, or combination; and

(3) open outward away from the pool yard.

(b) Except as otherwise provided by Subsection (c) and Section 757.005, a gate latch must be installed so that it is at least 60 inches above the ground, except that it may be installed lower if:

(1) the latch is installed on the pool yard side of the gate only and is at least three inches below the top of the gate; and

(2) the gate or enclosure has no opening greater than one-half inch in any direction within 18 inches from the latch, including the space between the gate and the gate post to which the gate latches.

(c) A gate latch may be located 42 inches or higher above the ground if the gate cannot be opened except by key, card, or combination on both sides of the gate.

Added by Acts 1993, 73rd Leg., ch. 517, Sec. 2, eff. Jan. 1, 1994.

HEALTH AND SAFETY CODE CHAPTER 757. POOL YARD ENCLOSURES

Appendix C

Sec. 757.005. EXISTING POOL YARD ENCLOSURES. (a) If a pool yard enclosure is constructed or modified before January 1, 1994, and no municipal ordinance containing standards for pool yard enclosures were applicable at the time of construction or modification, the enclosure must comply with the requirements of Sections 757.003 and 757.004, except that:

(1) if the enclosure is constructed with chain link metal fencing material, the openings in the enclosure may not allow a sphere 2-1/4 inches in diameter to pass through the enclosure; or

(2) if the enclosure is constructed with horizontal and vertical members and the distance between the tops of the horizontal members is at least 36 inches, the openings in the enclosure may not allow a sphere four inches in diameter to pass through the enclosure.

(b) If a pool yard enclosure is constructed or modified before January 1, 1994, and if the enclosure is in compliance with applicable municipal ordinances existing on January 1, 1994, and containing standards for pool yard enclosures, Sections 757.003, 757.004(a)(3), and 757.004(b) do not apply to the enclosure.

Added by Acts 1993, 73rd Leg., ch. 517, Sec. 2, eff. Jan. 1, 1994.

Sec. 757.006. DOOR. (a) A door, sliding glass door, or French door may not open directly into a pool yard if the date of electrical service for initial construction of the building or pool is on or after January 1, 1994.

(b) A door, sliding glass door, or French door may open directly into a pool yard if the date of electrical service for initial construction of the building or pool is before January 1, 1994, and the pool yard enclosure complies with Subsection (c), (d), or (e), as applicable.

(c) If a door of a building, other than a sliding glass door or screen door, opens into the pool yard, the door must have a:

(1) latch that automatically engages when the door is closed;

(2) spring-loaded door-hinge pin, automatic door closer, or similar device to cause the door to close automatically; and

Appendix C

(3) keyless bolting device that is installed not less than 36 inches or more than 48 inches above the interior floor.

(d) If French doors of a building open to the pool yard, one of the French doors must comply with Subsection (c)(1) and the other door must have:

(1) a keyed dead bolt or keyless bolting device capable of insertion into the doorjamb above the door, and a keyless bolting device capable of insertion into the floor or threshold; or

(2) a bolt with at least a 3/4-inch throw installed inside the door and operated from the edge of the door that is capable of insertion into the doorjamb above the door and another bolt with at least a 3/4-inch throw installed inside the door and operated from the edge of the door that is capable of insertion into the floor or threshold.

(e) If a sliding glass door of a building opens into the pool yard, the sliding glass door must have:

(1) a sliding door handle latch or sliding door security bar that is installed not more than 48 inches above the interior floor; and

(2) a sliding door pin lock that is installed not more than 48 inches above the interior floor.

(f) A door, sliding glass door, or French door that opens into a pool yard from an area of a building that is not used by residents and that has no access to an area outside the pool yard is not required to have a lock, latch, dead bolt, or keyless bolting device.

(g) A keyed dead bolt, keyless bolting device, sliding door pin lock, or sliding door security bar installed before September 1, 1993, may be installed not more than 54 inches from the floor.

(h) A keyed dead bolt or keyless dead bolt, as described by Section 757.001(6)(A)(i), installed in a dwelling on or after September 1, 1993, must have a bolt with a throw of not less than one inch.

Added by Acts 1993, 73rd Leg., ch. 517, Sec. 2, eff. Jan. 1, 1994.

Sec. 757.007. WINDOW AND WINDOW SCREENS. A wall of a building constructed before January 1, 1994, may not be used as part of a pool yard enclosure unless each window in the wall has a latch and unless

Appendix C

each window screen on a window in the wall is affixed by a window screen latch, screws, or similar means. This section does not require the installation of window screens. A wall of a building constructed on or after January 1, 1994, may not be used as part of a pool yard enclosure unless each ground floor window in the wall is permanently closed and unable to be opened.

Added by Acts 1993, 73rd Leg., ch. 517, Sec. 2, eff. Jan. 1, 1994.

Sec. 757.008. BUILDING IN POOL YARD. Each door, sliding glass door, window, and window screen of each dwelling unit in a residential building located in the enclosed pool yard must comply with Sections 757.006 and 757.007.

Added by Acts 1993, 73rd Leg., ch. 517, Sec. 2, eff. Jan. 1, 1994.

Sec. 757.009. INSPECTION, REPAIR, AND MAINTENANCE. (a) An owner of a multiunit rental complex or a rental dwelling in a condominium, cooperative, or town home project with a pool or a property owners association that owns, controls, or maintains a pool shall exercise ordinary and reasonable care to inspect, maintain, repair, and keep in good working order the pool yard enclosures, gates, and self-closing and self-latching devices required by this chapter and within the control of the owner or property owners association.

(b) An owner of a multiunit rental complex or a rental dwelling in a condominium, cooperative, or town home project with a pool or a property owners association that owns, controls, or maintains a pool shall exercise ordinary and reasonable care to maintain, repair, and keep in good working order the window latches, sliding door handle latches, sliding door pin locks, and sliding door security bars required by this chapter and within the control of the owner or property owners association after request or notice from the tenant that those devices are malfunctioning or in need of repair or replacement. A request or notice under this subsection may be given orally unless a written lease applicable to the tenant or written rules governing the property owners association require the request or notice to be in writing. The requirement in the lease or rules

HEALTH AND SAFETY CODE CHAPTER 757. POOL YARD ENCLOSURES

Appendix C

must be in capital letters and underlined or in 10-point boldfaced print.

(c) An owner of a multiunit rental complex or a rental dwelling in a condominium, cooperative, or town home project with a pool or a property owners association that owns, controls, or maintains a pool shall inspect the pool yard enclosures, gates, and self-closing and self-latching devices on gates no less than once every 31 days.

(d) An owner's or property owners association's duty of inspection, repair, and maintenance under this section may not be waived under any circumstances and may not be enlarged except by written agreement with a tenant or occupant of a multiunit rental complex or a member of a property owners association or as may be otherwise allowed by this chapter.

Added by Acts 1993, 73rd Leg., ch. 517, Sec. 2, eff. Jan. 1, 1994.

Sec. 757.010. COMPLIANCE WITH CHAPTER. (a) Except as provided by Subsection (b) and Section 757.011, a person who constructs or modifies a pool yard enclosure to conform with this chapter may not be required to construct the enclosure differently by a local governmental entity, common law, or any other law.

(b) An owner of a multiunit rental complex or a rental dwelling in a condominium, cooperative, or town home project with a pool or a property owners association that owns, controls, or maintains a pool may, at the person's option, exceed the standards of this chapter or those adopted under Section 757.011. A tenant or occupant in a multiunit rental complex and a member of a property owners association may, by express written agreement, require the owner of the complex or the association to exceed those standards.

(c) A municipality may continue to require greater overall height requirements for pool yard enclosures if the requirements exist under the municipality's ordinances on January 1, 1994.

Added by Acts 1993, 73rd Leg., ch. 517, Sec. 2, eff. Jan. 1, 1994.

Amended by:

Acts 2015, 84th Leg., R.S., Ch. 1 (S.B. 219), Sec. 3.1509, eff. April 2, 2015.

HEALTH AND SAFETY CODE CHAPTER 757. POOL YARD ENCLOSURES

Appendix C

Sec. 757.011. RULEMAKING AUTHORITY. The executive commissioner of the Health and Human Services Commission may adopt rules requiring standards for design and construction of pool yard enclosures that exceed the requirements of this chapter and that apply to all pools and pool yards subject to this chapter. An owner of a multiunit rental complex or a rental dwelling in a condominium, cooperative, or town home project with a pool or a property owners association that owns, controls, or maintains a pool shall comply with and shall be liable for failure to comply with those rules to the same extent as if they were part of this chapter.

Added by Acts 1993, 73rd Leg., ch. 517, Sec. 2, eff. Jan. 1, 1994.

Amended by:

Acts 2015, 84th Leg., R.S., Ch. 1 (S.B. 219), Sec. 3.1510, eff. April 2, 2015.

Sec. 757.012. ENFORCEMENT. (a) A tenant of an owner of a multiunit rental complex, a member of a property owners association, a governmental entity, or any other person or the person's representative may maintain an action against the owner or property owners association for failure to comply with the requirements of this chapter. In that action, the person may obtain:

(1) a court order directing the owner or property owners association to comply with this chapter;

(2) a judgment against the owner or property owners association for actual damages resulting from the failure to comply with the requirements of this chapter;

(3) a judgment against the owner or property owners association for punitive damages resulting from the failure to comply with the requirements of this chapter if the actual damages to the person were caused by the owner's or property owners association's intentional, malicious, or grossly negligent actions;

(4) a judgment against the owner or property owners association for actual damages, and if appropriate, punitive damages, where the owner or association was in compliance with this chapter at the time of the pool-related damaging event but was consciously indifferent to access being repeatedly gained to the pool yard by unauthorized persons; or

HEALTH AND SAFETY CODE CHAPTER 757. POOL YARD ENCLOSURES

Appendix C

(5) a judgment against the owner or property owners association for a civil penalty of not more than \$5,000 if the owner or property owners association fails to comply with this chapter within a reasonable time after written notice by a tenant of the multiunit rental complex or a member of the property owners association.

(b) A court may award reasonable attorney fees and costs to the prevailing party in an action brought under Subsection (a)(5).

(c) The attorney general, a local health department, a municipality, or a county having jurisdiction may enforce this chapter by any lawful means, including inspections, permits, fees, civil fines, criminal prosecutions, injunctions, and, after required notice, governmental construction or repair of pool yard enclosures that do not exist or that do not comply with this chapter.

Added by Acts 1993, 73rd Leg., ch. 517, Sec. 2, eff. Jan. 1, 1994.

Sec. 757.013. TENANT'S REQUEST FOR REPAIRS. A tenant in a multiunit rental complex with a pool may verbally request repair of a keyed dead bolt, keyless bolting device, sliding door latch, sliding door pin lock, sliding door security bar, window latch, or window screen latch unless a provision of a written lease executed by the tenant requires that the request be made in writing and the provision is in capital letters and underlined or in 10-point boldfaced print. A request for repair may be given to the owner or the owner's managing agent.

Added by Acts 1993, 73rd Leg., ch. 517, Sec. 2, eff. Jan. 1, 1994.

Sec. 757.014. APPLICATION TO OTHER BODIES OF WATER AND RELATED FACILITIES. The owner of a multiunit rental complex or a property owners association is not required to enclose a body of water or construct barriers between the owner's or property owners association's property and a body of water such as an ocean, bay, lake, pond, bayou, river, creek, stream, spring, reservoir, stock tank, culvert, drainage ditch, detention pond, or other flood or drainage facility.

Added by Acts 1993, 73rd Leg., ch. 517, Sec. 2, eff. Jan. 1, 1994.

HEALTH AND SAFETY CODE CHAPTER 757. POOL YARD ENCLOSURES

Appendix C

Sec. 757.015. EFFECT ON OTHER LAWS. (a) The duties established by this chapter for an owner of a multiunit dwelling project, an owner of a dwelling in a condominium, cooperative, or town home project, and a property owners association supersede those established by common law, the Property Code, the Health and Safety Code, the Local Government Code other than Section 214.101, and local ordinances relating to duties to inspect, install, repair, or maintain:

- (1) pool yard enclosures;
- (2) pool yard enclosure gates and gate latches, including self-closing and self-latching devices;
- (3) keyed dead bolts, keyless bolting devices, sliding door handle latches, sliding door security bars, self-latching and self-closing devices, and sliding door pin locks on doors that open into a pool yard area and that are owned and controlled by the owner or property owners association; and
- (4) latches on windows that open into a pool yard area and that are owned and controlled by the owner or property owners association.

(b) This chapter does not affect any duties of a rental dwelling owner, lessor, sublessor, management company, or managing agent under Subchapter D, Chapter 92, Property Code.

Added by Acts 1993, 73rd Leg., ch. 517, Sec. 2, eff. Jan. 1, 1994.

Sec. 757.016. NONEXCLUSIVE REMEDIES. The remedies contained in this chapter are not exclusive and are not intended to affect existing remedies allowed by law or other procedure.

Added by Acts 1993, 73rd Leg., ch. 517, Sec. 2, eff. Jan. 1, 1994.

Sec. 757.017. INTERPRETATION AND APPLICATION. The provisions of this chapter shall be liberally construed to promote its underlying purpose which is to prevent swimming pool deaths and injuries in this state.

Added by Acts 1993, 73rd Leg., ch. 517, Sec. 2, eff. Jan. 1, 1994.