

# City of Houston Construction Code Amendment Council Committee and Public Comment Blackline Draft – 1.27.21

This Draft for Discussion Purposes Only  
Not yet reviewed by the City Attorney or adopted by City Council

## CHAPTER 1 SCOPE AND ADMINISTRATION

### User note:

*About this chapter:* Chapter 1 establishes the limits of applicability of this code and describes how the code is to be applied and enforced. Chapter 1 is in two parts: Part 1—Scope and Application (Sections 101–102) and Part 2—Administration and Enforcement (Sections 103–108). Section 101 identifies which buildings and structures come under its purview and references other I-Codes as applicable. Standards and codes are scoped to the extent referenced (see Section 102.8).

*This code is intended to be adopted as a legally enforceable document and it cannot be effective without adequate provisions for its administration and enforcement. The provisions of Chapter 1 establish the authority and duties of the code official appointed by the authority having jurisdiction and also establish the rights and privileges of the design professional, contractor and property owner.*

### PART 1—SCOPE AND APPLICATION

#### SECTION 101 GENERAL

**[A] 101.1 Title.** These regulations shall be known as the City of Houston Swimming Pool and Spa Code of ~~NAME OF JURISDICTION~~, hereinafter referred to as “this code.”

**[A] 101.2 Scope.** The provisions of this code shall apply to the construction, alteration, movement, renovation, replacement, repair and maintenance of aquatic recreation facilities, pools and spas. The pools and spas covered by this code are either permanent or temporary, and shall be only those that are designed and manufactured to be connected to a circulation system and that are intended for swimming, bathing or wading.

**101.2.1 Flotation tanks.** Flotation tank systems intended for sensory deprivation therapy shall not be considered to be included in the scope of this code.

**[A] 101.3 Intent.** The purpose of this code is to establish minimum standards to provide a reasonable level of safety and protection of health, property and public welfare by regulating and controlling the design, construction, installation, quality of materials, location and maintenance or use of pools and spas. The provisions of this code shall not apply to any activity for which local regulation is preempted by federal or state law.

**[A] 101.4 Severability.** If any section, subsection, sentence, clause or phrase of this code is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this code.

#### SECTION 102 APPLICABILITY

**[A] 102.1 General.** Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall govern. Where, in any specific case, different sections of provisions of the City Code, the Building Code, the Energy Conservation Code, the Existing Building Code, the Residential Code, the Electrical Code, the Mechanical Code, the Plumbing Code, and this code specify different materials, methods of construction or other requirements, the most restrictive shall govern. Where, in any specific instance, the applicable provisions of this code, the City Code, the Building Code, the Energy Conservation Code, the Existing Building Code, the Residential Code, the Electrical Code, the Mechanical Code, or the Plumbing Code specify different materials, methods of construction, or other requirements than the Fire Code, and the building official and the fire marshal are unable to mutually reconcile the requirements by issuing a written interpretation, then either of them may refer the matter to the General Appeals Board created under the Building Code, which shall conduct a review of the matter and issue a written code interpretation based upon the apparent intent of the codes involved. Notwithstanding any other provision, interpretations that are issued by the General Appeals Board shall not be subject to further appeal. Wherever in this code reference is made to an appendix, the provisions in the appendix shall not apply unless specifically adopted.

**[A] 102.2 Existing installations.** Any pool or spa and related mechanical, electrical and plumbing systems lawfully in existence at the time of the adoption of this code shall be permitted to have their use and

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Council Committee and Public Comment Blackline Draft – 1.27.21**

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maintenance continued if the use, maintenance or repair is in accordance with the original design and no hazard to life, health or property is created.

**[A] 102.3 Maintenance.** Pools and spas and related mechanical, electrical and plumbing systems, both existing and new, and parts thereof, shall be maintained in proper operating condition in accordance with the original design in a safe and sanitary condition, as well as the provisions of Chapter 43 of the City Code, whichever is more restrictive. Devices or safeguards that are required by this code shall be maintained in compliance with the edition of the code under which they were installed.

The owner or the owner's authorized agent shall be responsible for maintenance of systems. To determine compliance with this provision, the code official shall have the authority to require any system to be reinspected.

**[A] 102.4 Additions, alterations or repairs.** Additions, *alterations*, renovations or *repairs* to any pool, spa or related system shall conform to that required for a new system without requiring the existing systems to comply with the requirements of this code. Additions, alterations or repairs shall not cause existing systems to become unsafe, insanitary or overloaded.

Minor additions, alterations, renovations and repairs to existing systems shall be permitted in the same manner and arrangement as in the existing system, provided that such repairs or replacement are not hazardous and are *approved*.

**[A] 102.5 Historic buildings.** The provisions of this code relating to the construction, alteration, repair, enlargement, restoration, relocation or moving of pools, spas or systems shall not be mandatory for existing pools, spas or systems identified and classified by the state or local jurisdiction as part of a historic structure where such pools, spas or systems are judged by the code official to be safe and in the public interest of health, safety and welfare regarding any proposed construction, alteration, repair, enlargement, restoration, relocation or moving of such pool or spa.

**[A] 102.6 Moved pools and spas.** Except as determined by Section 102.2, systems that are a part of a pool, spa or system moved into or within the jurisdiction shall comply with the provisions of this code for new installations.

**[A] 102.7 Referenced codes and standards.** The codes and standards referenced in this code shall be those that are listed in Chapter 11 and such codes and

standards shall be considered to be part of the requirements of this code to the prescribed extent of each such reference. Where differences occur between provisions of this code and the referenced standards, the provisions of this code shall be the minimum requirements.

**[A] 102.7.1 Application of the International Codes.**

Where the *International Residential Code* is referenced in this code, the provisions of the *International Residential Code* shall apply to related systems in detached one- and two-family dwellings and townhouses not more than three stories in height. Other related systems shall comply with the applicable International Code or referenced standard.

**[A] 102.8 Requirements not covered by code.** Any requirements necessary for the strength, stability or proper operation of an existing or proposed system, or for the public safety, health and general welfare, not specifically covered by this code shall be determined by the code official.

**[A] 102.9 Other laws.** The provisions of this code shall not be deemed to nullify any provisions of local, state or federal law.

**[A] 102.10 Application of references.** References to chapter or section numbers, or to provisions not specifically identified by number, shall be construed to refer to such chapter, section or provision of this code.

**PART 2—ADMINISTRATION AND ENFORCEMENT**

**SECTION 103  
DEPARTMENT OF BUILDING SAFETY**

**[A] 103.1 Creation of enforcement-agency agencies.** ~~The department of building safety~~ *Building Code Enforcement Branch* is hereby created within the jurisdiction's department known as Houston Public Works, and the official in charge thereof shall be known as the building official. The Houston Health Department, created in City Code Section 21-2 also shall be an enforcement agency, and the official in charge thereof shall be known as the director of public health.

**[A] 103.2 Appointment.** The code official shall be appointed by the chief appointing authority of the jurisdiction.

**[A] 103.3 Deputies.** In accordance with the prescribed procedures of the jurisdiction and with the concurrence of the appointing authority, the code official shall have

**City of Houston Construction Code Amendment  
Council Committee and Public Comment Blackline Draft – 1.27.21**

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the authority to appoint a deputy code official, the related technical officers, inspectors, plans examiners and other employees. Such employees shall have powers as delegated by the code official.

~~**[A] 103.4 Liability.** The code official, member of the board of appeals or employee charged with the enforcement of this code, while acting for the jurisdiction in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, shall not thereby be rendered civilly or criminally liable personally and is hereby relieved from personal liability for any damage accruing to persons or property as a result of any act or by reason of an act or omission in the discharge of official duties. Except as otherwise provided by law, the code official shall not personally be liable in damages for any act or omission arising out of any official action taken to implement and enforce the provisions of this code. Additionally, except as otherwise provided by law, the code official shall not personally be liable in damages for any act or omission taken in the course and scope of employment. Where and to the extent consistent with the provisions of Chapter 2, Article X, of the City Code, this jurisdiction shall provide legal representation and indemnification for any suit brought against the code official because of acts or omissions performed in the enforcement of this code. This code shall not be construed to relieve from or lessen the responsibility of any person owning, operating, or controlling any building or structure for any damages to persons or property caused by defects, nor shall the code enforcement agency or its parent jurisdiction be held as assuming any such liability by reason of the inspections authorized by this code or any permits or certificates issued under this code.~~

~~**[A] 103.4.1 Legal defenses.** Any suit or criminal complaint instituted against an officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by legal representatives of the jurisdiction until the final termination of the proceedings. The code official or any subordinate shall not be liable for cost in any action, suit or proceeding that is instituted in pursuance of the provisions of this code.~~

**SECTION 104**

**DUTIES AND POWERS OF THE CODE OFFICIAL**

**[A] 104.1 General.** The code official is hereby authorized and directed to enforce the provisions of this code. The code official shall have the authority to render interpretations of this code and to adopt policies and

procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of this code. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this code.

**[A] 104.2 Applications and permits.** The code official shall receive applications, review construction documents and issue permits for the erection, alteration, demolition and moving of pools, spas and related mechanical, electrical and plumbing systems. The code official shall inspect the premises for which such permits have been issued and enforce compliance with the provisions of this code.

**[A] 104.3 Notices and orders.** The code official shall issue necessary notices or orders to ensure compliance with this code.

**[A] 104.4 Inspections.** The code official shall make the required inspections, or the code official shall have the authority to accept reports of inspection by *approved* agencies or individuals. Reports of such inspections shall be in writing and be certified by a responsible officer of such *approved* agency or by the responsible individual. The code official is authorized to engage such expert opinion as deemed necessary to report on unusual technical issues that arise, subject to the approval of the appointing authority.

**[A] 104.5 Identification.** The code official shall carry proper identification when inspecting structures or premises in the performance of duties under this code.

**[A] 104.6 Right of entry.** Where it is necessary to make an inspection to enforce the provisions of this code, or where the code official has reasonable cause to believe that there exists in a structure or on a premises a condition that is contrary to or in violation of this code that makes the structure or premises unsafe, dangerous or hazardous, the code official is authorized to enter the structure or premises at reasonable times to inspect or to perform the duties imposed by this code, provided that if such structure or premises be occupied that credentials be presented to the occupant and entry requested. If such structure or premises is unoccupied, the code official shall first make a reasonable effort to locate the owner, the owner's authorized agent or other person having charge or control of the structure or premises and request entry. If entry is refused, the code official shall have recourse to the remedies provided by law to secure entry.

**City of Houston Construction Code Amendment**  
**Council Committee and Public Comment Blackline Draft – 1.27.21**

**This Draft for Discussion Purposes Only**  
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When, due to an emergency, immediate entry is necessary to make an inspection to protect life or property, or when the code official has obtained a proper inspection warrant or other remedy provided by law to secure entry, no owner or occupant or any other person having charge, care or control of any building or premises shall fail or neglect, after proper request is made as herein provided, to promptly permit entry therein by the code official for the purpose of inspection and examination pursuant to this code.

**[A] 104.7 Department records.** The code official shall keep official records of applications received, permits and certificates issued, fees collected, reports of inspections, and notices and orders issued. Such records shall be retained in the official records for the period required for retention of public records.

**[A] 104.8 Modifications.** Where there are practical difficulties involved in carrying out the provisions of this code, the code official shall have the authority to grant modifications for individual cases, upon application of the owner or owner's authorized agent, provided that the code official shall first find that special individual reason makes the strict letter of this code impractical and the modification is in compliance with the intent and purpose of this code and that such modification does not lessen sustainability, health, accessibility, life safety and structural requirements. The details of action granting modifications shall be recorded and entered in the files of the department of building safety.

**[A] 104.9 Alternative materials, design and methods of construction and equipment.** The provisions of this code are not intended to prevent the installation of any design or material or to prohibit any method of construction not specifically prescribed by this code, provided that any such alternative has been *approved*. An alternative material, design or method of construction shall be *approved* where the code official finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, not less than the equivalent of that prescribed in this code in quality, strength, effectiveness, durability and safety.

Where the alternative material, design or method of construction is not *approved*, the code official shall respond in writing, stating the reasons why the alternative was not *approved*.

**[A] 104.10 Required testing.** Where there is insufficient evidence of compliance with the provisions of this code, or evidence that a material or method does not conform to the requirements of this code, or in order to

substantiate claims for alternative materials or methods, the code official shall have the authority to require tests as evidence of compliance to be made at no expense to the jurisdiction.

**[A] 104.10.1 Test methods.** Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized and accepted test methods, the code official shall approve the testing procedures.

**[A] 104.10.2 Testing agency.** Tests shall be performed by an *approved* agency.

**[A] 104.10.3 Test reports.** Reports of tests shall be retained by the code official for the period required for retention of public records.

**[A] 104.11 Alternative engineered design.** The design, documentation, inspection, testing and approval of an alternative engineered design shall comply with Sections 104.11.1 through 104.11.6.

**[A] 104.11.1 Design criteria.** An alternative engineered design shall conform to the intent of the provisions of this code and shall provide an equivalent level of quality, strength, effectiveness, durability and safety. Material, equipment or components shall be designed and installed in accordance with the manufacturer's instructions.

**[A] 104.11.2 Submittal.** The registered design professional shall indicate on the permit application that the system is an alternative engineered design. The permit and permanent permit records shall indicate that an alternative engineered design was part of the *approved* installation.

**[A] 104.11.3 Technical data.** The registered design professional shall submit sufficient technical data to substantiate the proposed alternative engineered design and to prove that the performance meets the intent of this code.

**[A] 104.11.4 Construction documents.** The registered design professional shall submit to the code official ~~two complete sets of~~ signed and sealed construction documents for the alternative engineered design through the alternate method review process.

**[A] 104.11.5 Design approval.** Where the code official determines that the alternative engineered design conforms to the intent of this code, the system shall be *approved*. If the alternative engineered design is not *approved*, the code official shall notify the registered design professional in writing, stating the reasons why the alternative was not *approved*.

**City of Houston Construction Code Amendment  
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**[A] 104.11.6 Inspection and testing.** The alternative engineered design shall be tested and inspected in accordance with the requirements of Section 106.12.

**[A] 104.12 Material and equipment reuse.** Materials, equipment and devices shall not be reused unless such elements have been reconditioned, tested, placed in good and proper working condition and *approved*.

**SECTION 105  
PERMITS**

**[A] 105.1 When required.** Any owner, or owner's authorized agent who desires to construct, enlarge, alter, repair, move, or demolish a pool or spa or to erect, install, enlarge, alter, repair, remove, convert or replace any system, the installation of which is regulated by this code, or to cause any such work to be performed, shall first make application to the code official and obtain the required permit for the work, and no person shall cause, suffer or permit the same such work to be done unless a separate permit for each building or structure has first been obtained.

**[A] 105.2 Application for permit.** Each application for a permit, with the required fee, shall be filed with the code official on a form furnished for that purpose and shall contain a general description of the proposed work and its location. The application shall be signed by the owner or the owner's authorized agent. The permit application shall contain such other information required by the code official.

**[A] 105.3 Construction documents.** Construction documents, engineering calculations, diagrams and other such data shall be submitted in accordance with the authority having jurisdiction ~~two or more sets~~ with each application for a permit. The code official shall require construction documents, computations and specifications to be prepared and designed by a registered design professional where required by state law. Construction documents shall be drawn to scale and shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that the work conforms to the provisions of this code, City Code chapter 43, and other applicable State and Local Laws, whichever is more restrictive.

**[A] 105.4 Time limitation of application.** An application for a permit for any proposed work shall be deemed to have been abandoned 180 days after the date of filing unless such application has been pursued in good faith or a permit has been issued; except that the code official is authorized to grant one or more extensions of time for

additional periods not exceeding 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.

**[A] 105.5 Permit issuance.** The application, construction documents and other data filed by an applicant for permit shall be reviewed by the code official. If the code official finds that the proposed work conforms to the requirements of this code and laws and ordinances applicable thereto, and that the fees specified in Section 105.6 have been paid, a permit shall be issued to the applicant.

**[A] 105.5.1 Approved construction documents.** When the code official issues the permit where construction documents are required, the construction documents shall be endorsed in writing and stamped "APPROVED." Such *approved* construction documents shall not be changed, modified or altered without authorization from the code official. Work shall be done in accordance with the *approved* construction documents.

The code official shall have the authority to issue a permit for the construction of a part of a system before the entire construction documents for the whole system have been submitted or *approved*, provided that adequate information and detailed statements have been filed complying with pertinent requirements of this code. The holders of such permit shall proceed at their own risk without assurance that the permit for the entire system will be granted.

**[A] 105.5.2 Validity.** The issuance of a permit or approval of construction documents shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this code or any other ordinance of the jurisdiction. Any permit presuming to give authority to violate or cancel the provisions of this code shall not be valid.

The issuance of a permit based on construction documents and other data shall not prevent the code official from thereafter requiring the correction of errors in said construction documents and other data or from preventing building operations being carried on thereunder where in violation of this code or of other ordinances of this jurisdiction.

A permit shall be valid only for work performed under the permit holder on the application. A new permit must be obtained if the permit holder is no longer responsible for the work performed. Provided that a refund has not been issued and written authority to transfer the permit from the original permit holder has

**City of Houston Construction Code Amendment  
Council Committee and Public Comment Blackline Draft – 1.27.21**

**This Draft for Discussion Purposes Only  
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been given, the cost of the new permit shall be charged at the rate listed for the minimum fee stated in the city fee schedule. In the case of the death of the original permit holder, the permit will be transferred to the new permit holder at no fee except for the administrative fee established in the city fee schedule. Applicants who fail to re-permit any applicable work within the time frames established by this code shall be subject to permit fees in the amount stated in the city fee schedule.

**[A] 105.5.3 Expiration.** Every permit issued shall become ~~invalid~~ inactive unless the work authorized by such permit is commenced within 180 days after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced. The code official is authorized to grant, in writing, one or more extensions of time, for a period not more than 180 days. The extension shall be requested in writing and justifiable cause demonstrated.

If work is not commenced under a permit within two years after the date of issuance or is abandoned at any time for a period of two years, the permit shall expire. In order to recommence work under an expired permit, the permit holder shall pay the full permit fee applicable and submit plans that comply with this code for the previously uninspected portion of the work.

**Exception:** For the purpose of issuing a certificate of occupancy or a certificate of compliance, the code official may, upon request, reactivate a permit and perform a final inspection of work.

**[A] 105.5.4 Extensions.** Any permittee holding an unexpired permit shall have the right to apply for an extension of the time within which the permittee will commence work under that permit when work is unable to be commenced within the time required by this section for good and satisfactory reasons. The code official shall extend the time for action by the permittee for a period not exceeding 180 days if there is reasonable cause. The fee for an extension shall be one-half the amount required for a new permit for such work.

**[A] 105.5.5 Suspension or revocation of permit.** The code official shall revoke a permit or approval issued under the provisions of this code in case of any false statement or misrepresentation of fact in the application or on the construction documents on which the permit or approval was based. Prior to taking such action, the code official shall provide notice of a right

to a hearing on the matter pursuant to Section 117 of the *Building Code*.

**[A] 105.5.6 Retention of construction documents.** ~~One set of The approved~~ construction documents shall ~~may~~ be retained by the code official for a period of not less than 180 days from date of completion of the permitted work, or as required by state or local laws. One printed set of approved construction documents shall be returned to the applicant, and said set shall be kept on the site of the building or work at all times during which the work authorized thereby is in progress.

**[A] 105.6 Fees.** A permit shall not be valid until the fees prescribed by law have been paid. An amendment to a permit shall not be released until the additional fee, if any, has been paid.

**[A] 105.6.1 Work commencing before permit issuance.** ~~Any When any person who commences~~ any work on a system before obtaining the necessary permits, the work shall be subject to an investigation, for which that person shall be responsible for payment of a fee as indicated in the adopted fee schedule and would be in addition to the required permit fees, equal to the amount of the permit fee required by this code shall be charged.

**[A] 105.6.2 Fee schedule.** The fees for work shall be as indicated in the ~~following~~ city fee schedule.

~~**[JURISDICTION TO INSERT APPROPRIATE SCHEDULE]**~~

**[A] 105.6.3 Fee refunds.** The code official ~~shall authorize the refunding of fees as follows:~~ may authorize refunding of any fee paid hereunder that was erroneously paid or collected due to an error by one or more city employees. This provision shall not be applicable if the error occurred because of incorrect information provided by the applicant.

The code official may authorize the refunding of not more than 90 percent of the amount in excess of the minimum permit fee stated in the city fee schedule for the permit fee paid when no work has been done under a permit issued in accordance with this code. If work has been done under the permit, no refund shall be authorized. The originally paid administrative fee and the plan review portion of the permit fee shall be nonrefundable.

The code official shall not authorize refunding of any fee paid except on written application filed by the

**City of Houston Construction Code Amendment  
Council Committee and Public Comment Blackline Draft – 1.27.21**

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original permittee not later than 180 calendar days after the date of fee payment.

- ~~1. The full amount of any fee paid hereunder that was erroneously paid or collected.~~
- ~~2. Not more than [SPECIFY PERCENTAGE] percent of the permit fee paid when no work has been done under a permit issued in accordance with this code.~~
- ~~3. Not more than [SPECIFY PERCENTAGE] percent of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan review effort has been expended.~~

~~The code official shall not authorize the refunding of any fee paid except upon written application filed by the original permittee not later than 180 days after the date of fee payment.~~

**SECTION 106  
INSPECTIONS**

**[A] 106.1 General.** Construction or work for which a permit is required shall be subject to inspection by the ~~code building official as well as an inspection by the health officer pursuant to City Code section 43-9(g)~~ and such construction or work shall remain visible and able to be accessed for inspection purposes until *approved*. Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction. Inspections presuming to give authority to violate or cancel the provisions of this code or of other ordinances of the jurisdiction shall not be valid. It shall be the duty of the permit applicant to cause the work to remain accessible and exposed for inspection purposes. Neither the code official nor the jurisdiction shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.

**[A] 106.2 Preliminary inspection.** Before issuing a permit, the code official is authorized to examine or cause to be examined buildings, structures and sites for which an application has been filed.

**[A] 106.3 Required inspections and testing.** Pool and spa installations or alterations thereto, including equipment, piping, and appliances related thereto, shall be inspected by the code official to ensure compliance with the requirements of this code.

**[A] 106.4 Other inspections.** In addition to the inspections specified in Sections 106.2 and 106.3, the

code official is authorized to make or require other inspections of any construction work to ascertain compliance with the provisions of this code and other laws that are enforced.

**[A] 106.5 Inspection request.** It shall be the duty of the holder of the permit or their duly authorized agent to notify the code official when work is ready for inspection. It shall be the duty of the permit holder to provide access to and means for inspections of such work that are required by this code.

**[A] 106.6 Approval required.** Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the code official. The code official, upon notification, shall make the requested inspection and shall either indicate the portion of the construction that is satisfactory as completed, or notify the permit holder or his or her agent wherein the same fails to comply with this code. Any portions that do not comply shall be corrected and such portion shall not be covered or concealed until authorized by the code official.

**[A] 106.7 Approved agencies.** Test reports submitted to the code official for consideration shall be developed by *approved* agencies that have satisfied the requirements as to qualifications and reliability.

**[A] 106.8 Evaluation and follow-up inspection services.** Prior to the approval of a closed, prefabricated system and the issuance of a permit, the code official shall require the submittal of an evaluation report on each prefabricated system indicating the complete details of the system, including a description of the system and its components, the basis on which the system is being evaluated, test results and similar information, and other data as necessary for the code official to determine conformance to this code.

**[A] 106.9 Evaluation service.** The code official shall designate the evaluation service of an *approved* agency as the evaluation agency, and review such agency's evaluation report for adequacy and conformance to this code.

**[A] 106.10 Follow-up inspection.** Except where ready access is provided to systems, service equipment and accessories for complete inspection at the site without disassembly or dismantling, the code official shall conduct the frequency of in-plant inspections necessary to ensure conformance to the *approved* evaluation report or shall designate an independent, *approved* inspection agency to conduct such inspections. The inspection agency shall furnish the code official with the follow-up

**City of Houston Construction Code Amendment  
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inspection manual and a report of inspections on request, and the system shall have an identifying label permanently affixed to the system indicating that factory inspections have been performed.

**[A] 106.11 Test and inspection records.** Required test and inspection records shall be available to the code official at all times during the fabrication of the system and the installation of the system, or such records as the code official designates shall be filed.

**[A] 106.12 Special inspections.** Special inspections of alternative engineered design systems shall be conducted in accordance with Sections 106.12.1 and 106.12.2.

**[A] 106.12.1 Periodic inspection.** The registered design professional or designated inspector shall periodically inspect and observe the alternative engineered design to determine that the installation is in accordance with the *approved* construction documents. Discrepancies shall be brought to the immediate attention of the contractor for correction. Records shall be kept of inspections.

**[A] 106.12.2 Written report.** The registered design professional shall submit a final report in writing to the code official upon completion of the installation, certifying that the alternative engineered design conforms to the *approved* construction documents. A notice of approval for the system shall not be issued until a written certification has been submitted.

**[A] 106.13 Testing.** Systems shall be tested as required by this code. Tests shall be made by the permit holder and the code official shall have the authority to witness such tests.

**[A] 106.14 New, altered, extended or repaired systems.** New systems and parts of existing systems that have been altered, extended or repaired shall be tested as prescribed by this code.

**[A] 106.15 Equipment, material and labor for tests.** Equipment, material and labor required for testing a system or part thereof shall be furnished by the permit holder.

**[A] 106.16 Reinspection and testing.** Where any work or installation does not pass any initial test or inspection, the necessary corrections shall be made to comply with this code. The work or installation shall then be resubmitted to the code official for inspection and testing.

A reinspection fee may be assessed for each inspection or reinspection when the portion of work for which

inspection is called is not complete or when correction called for are not made.

This section is not to be interpreted as requiring inspection fees the first time a job is rejected for failure to comply with the requirements of this code, but as controlling the practice of calling for inspections before the job is ready for such inspection or reinspection.

Reinspection fees may be assessed when the inspection record card is not posted or otherwise available on the work site, when the approved plans are not readily available to the inspector, for failure to provide access on the date for which inspection is requested, or for deviating from plans requiring the approval of the code official.

To obtain a reinspection, the applicant shall make a request and pay the reinspection fee in accordance with the city fee schedule.

In instances where reinspection fees have been assessed, no additional inspection of the work will be performed until the required fees have been paid.

**[A] 106.17 Approval.** After the prescribed tests and inspections indicate that the work complies in all respects with this code, a notice of approval shall be issued by the code official.

**[A] 106.17.1 Revocation.** The code official is authorized to, in writing, suspend or revoke a notice of approval issued under the provisions of this code wherever the notice is issued in error, or on the basis of the incorrect information supplied, or where it is determined that the building or structure, premise, system or portion thereof is in violation of any ordinance or regulation or any of the provisions of this code.

**[A] 106.18 Temporary connection.** The code official shall have the authority to authorize the temporary connection of the building or system to the utility source for the purpose of testing systems.

**[A] 106.19 Connection of service utilities.** A person shall not make connections from a utility, source of energy, fuel, power, water system or sewer system to any building or system that is regulated by this code for which a permit is required until authorized by the code official.

**SECTION 107  
VIOLATIONS**



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**This Draft for Discussion Purposes Only  
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**[A] 107.1 Unlawful acts.** It shall be unlawful for any person, firm or corporation to erect, construct, alter, repair, remove, demolish or utilize any system, or cause same to be done, in conflict with or in violation of any of the provisions of this code.

Where no specific penalty is otherwise provided in this code, the violation of any provision of this code shall constitute a misdemeanor punishable upon conviction by a fine or not less than \$500.00 nor more than \$2,000.00. Each day that any violation continues shall constitute and be punishable as a separate offense. Where any conduct in violation of this code also constitutes a violation of state penal law, the offense shall be punishable as provided in the applicable state law. In prosecutions under this code, the various provisions hereof that are designated as an “exception” or “exceptions” shall not be treated as exceptions within the meaning of Section 2.02 of the Texas Penal Code, and, instead, they shall constitute defenses to prosecution within the meaning of Section 2.03 of the Texas Penal Code.

**[A] 107.2 Notice of violation.** The code official shall serve a notice of violation or order to the person responsible for the erection, installation, alteration, extension, repair, removal or demolition of work in violation of the provisions of this code, or in violation of a detail statement or the *approved* construction documents there under, or in violation of a permit or certificate issued under the provisions of this code. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.

**[A] 107.3 Prosecution of violation.** If the notice of violation is not complied with promptly, the code official shall request the legal counsel of the jurisdiction to institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful pool or spa in violation of the provisions of this code or of the order or direction made pursuant thereto.

**[A] 107.4 Violation penalties.** Any person who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter or repair a pool or spa in violation of the *approved* construction documents or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be subject to penalties as prescribed in Section 114.1 of the *Building Code*. ~~guilty of a [SPECIFY OFFENSE], punishable by a fine of not more than [AMOUNT] dollars or by imprisonment not exceeding [NUMBER OF DAYS], or both such fine and~~

~~imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.~~

**[A] 107.5 Stop work orders.** Upon notice from the *code official*, work on any system that is being performed contrary to the provisions of this code or in a dangerous or unsafe manner shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to the owner’s authorized agent, or to the person performing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not less than [AMOUNT] dollars or more than [AMOUNT] dollars.

At the time a stop work order is issued, the person performing the work and the permit holder shall also be given notice of a right to a hearing on the matter by the *code official*, who shall deliver the notice to the persons performing the work, if present at the site, or otherwise conspicuously post the notice at the site. Upon request, a hearing shall be held within three business days unless the permit holder or person who was doing the work requests an extension of time. Any stop work order that has been issued shall remain in effect pending any hearing that has been requested unless the stop work order is withdrawn by the *code official*.

**[A] 107.6 Abatement of violation.** The imposition of the penalties herein prescribed shall not preclude the legal officer of the jurisdiction from instituting appropriate action to prevent violation, or to prevent illegal use of a pool or spa, or to stop an illegal act, conduct, business or utilization of the plumbing on or about any premises.

**[A] 107.7 Unsafe systems.** Any system regulated by this code that is unsafe or that constitutes a fire or health hazard, insanitary condition, or is otherwise dangerous to human life is hereby declared unsafe. Any use of a system regulated by this code constituting a hazard to safety, health or public welfare by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, disaster, damage or abandonment is hereby declared an unsafe use. Any such unsafe system is hereby declared to be a public nuisance and shall be abated by repair, rehabilitation, demolition or removal.

**[A] 107.7.1 Authority to condemn a system.** Where the code official determines that any system, or portion

**City of Houston Construction Code Amendment  
Council Committee and Public Comment Blackline Draft – 1.27.21**

**This Draft for Discussion Purposes Only  
Not yet reviewed by the City Attorney or adopted by City Council**

thereof, regulated by this code has become hazardous to life, health or property or has become insanitary, the code official shall order in writing that such system either be removed or restored to a safe or sanitary condition. A time limit for compliance with such order shall be specified in the written notice. A person shall not use or maintain a defective system after receiving such notice.

Where such a system is to be disconnected, written notice as prescribed in Section 107.2 shall be given. In cases of immediate danger to life or property, such disconnection shall be made immediately without such notice.

**[A] 107.7.2 Authority to disconnect service utilities.** The code official shall have the authority to authorize disconnection of utility service to the pool or spa regulated by the technical codes in case of an emergency, where necessary, to eliminate an immediate danger to life or property. Where possible, the owner or the owner's authorized agent and occupant of the building where the pool or spa is located shall be notified of the decision to disconnect utility service prior to taking such action. If not notified prior to disconnecting, the owner, the owner's authorized agent or the occupant of the building shall be notified in writing, as soon as practical thereafter.

**[A] 107.7.3 Connection after order to disconnect.** A person shall not make connections from any energy, fuel, power supply or water distribution system, or supply energy, fuel or water to any equipment regulated by this code that has been disconnected or ordered to be disconnected by the code official or the use of which has been ordered to be discontinued by the code official until the code official authorizes the reconnection and use of such equipment.

When any system is maintained in violation of this code, and in violation of any notice issued pursuant to the provisions of this section, the code official shall institute any appropriate action to prevent, restrain, correct or abate the violation.

**SECTION 108  
MEANS OF APPEAL**

**[A] 108.1 General.** Except as provided below for mechanical, plumbing, or operating issues, the General Appeals Board, in accordance with the provisions of the Building Code, shall hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of this code.

~~**Application for appeal.** Any person shall have the right to appeal a decision of the code official to the board of appeals. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted there under have been incorrectly interpreted, the provisions of this code do not fully apply, or an equally good or better form of construction is proposed. The application shall be filed on a form obtained from the code official within 20 days after the notice was served.~~

**[A] 108.2 Mechanical.** The Mechanical Code Review Board or the Boiler Code Review and Licensing Board shall hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretations of this code relating to mechanical matters. (See Sections 120 and 121 of the Mechanical Code.) ~~**Membership of board.** The board of appeals shall consist of five members appointed by the chief appointing authority as follows: one for 5 years, one for 4 years, one for 3 years, one for 2 years and one for 1 year. Thereafter, each new member shall serve for 5 years or until a successor has been appointed.~~

**[A] 108.3. Plumbing.** The Electrical Board shall hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretations of this code relating to plumbing and fuel gas matters. (See Section 102.3 of the Plumbing Code.)

**[A] 108.4. Electrical.** The Electrical Board shall hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretations of this code relating to electrical matters. (See Section 203 of the Electrical Code.)

**[A] 108.5 Operating.** Appeals regarding operation of aquatic structures or enclosures shall be handled as provided in City Code Chapter 43.

**[A] 108.2.1 Qualifications.** The board of appeals shall consist of five individuals, one from each of the following professions or disciplines:

- ~~1. Registered design professional who is a registered architect; or a builder or superintendent of building construction with not less than 10 years' experience, 5 years of which shall have been in responsible charge of work.~~
- ~~2. Registered design professional with structural engineering or architectural experience.~~
- ~~3. Registered design professional with mechanical and plumbing engineering experience; or a mechanical and plumbing contractor with not less~~

**City of Houston Construction Code Amendment  
Council Committee and Public Comment Blackline Draft – 1.27.21**

**This Draft for Discussion Purposes Only  
Not yet reviewed by the City Attorney or adopted by City Council**

than 10 years' experience, 5 years of which shall have been in responsible charge of work.

4. Registered design professional with electrical engineering experience; or an electrical contractor with not less than 10 years' experience, 5 years of which shall have been in responsible charge of work.
5. Registered design professional with pool or spa experience; or a contractor with not less than 10 years' experience, 5 years of which shall have been in responsible charge of work.

**[A] 108.2.2 Alternate members.** The chief appointing authority shall appoint two alternate members who shall be called by the board chairman to hear appeals during the absence or disqualification of a member. Alternate members shall possess the qualifications required for board membership, and shall be appointed for 5 years or until a successor has been appointed.

**[A] 108.2.3 Chairman.** The board shall annually select one of its members to serve as chairman.

**[A] 108.2.4 Disqualification of member.** A member shall not hear an appeal in which that member has any personal, professional or financial interest.

**[A] 108.2.5 Secretary.** The chief administrative officer shall designate a qualified clerk to serve as secretary to the board. The secretary shall file a detailed record of proceedings in the office of the chief administrative officer.

**[A] 108.2.6 Compensation of members.** Compensation of members shall be determined by law.

**[A] 108.3 Notice of meeting.** The board shall meet upon notice from the chairman, within 10 days of the filing of an appeal or at stated periodic meetings.

**[A] 108.4 Open hearing.** Hearings before the board shall be open to the public. The appellant, the appellant's representative, the code official and any person whose interests are affected shall be given an opportunity to be heard.

**[A] 108.4.1 Procedure.** The board shall adopt and make available to the public through the secretary procedures under which a hearing will be conducted. The procedures shall not require compliance with strict rules of evidence, but shall mandate that only relevant information be received.

**[A] 108.5 Postponed hearing.** When five members are not present to hear an appeal, either the appellant or the appellant's representative shall have the right to request a postponement of the hearing.

**[A] 108.6 Board decision.** The board shall modify or reverse the decision of the code official by a concurring vote of three members.

**[A] 108.6.1 Resolution.** The decision of the board shall be by resolution. Certified copies shall be furnished to the appellant and to the code official.

**[A] 108.6.2 Administration.** The code official shall take immediate action in accordance with the decision of the board.

**[A] 108.7 Court review.** Any person, whether or not a previous party of the appeal, shall have the right to apply to the appropriate court to correct errors of law. Application for review shall be made in the manner and time required by law following the filing of the decision in the office of the chief administrative officer.

**City of Houston Construction Code Amendment  
Council Committee and Public Comment Blackline Draft – 1.27.21**

**This Draft for Discussion Purposes Only  
Not yet reviewed by the City Attorney or adopted by City Council**

**CHAPTER 2  
DEFINITIONS**

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**User note:**

*About this chapter: Codes, by their very nature, are technical documents. Every word, term and punctuation mark can add to or change the meaning of a technical requirement. It is necessary to maintain a consensus on the specific meaning of each term contained in the code. Chapter 2 performs this function by stating clearly what specific terms mean for the purpose of the code.*

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**SECTION 201  
GENERAL**

**201.1 Scope.** Unless otherwise expressly stated, the following words and terms shall, for the purposes of this code, have the meanings shown in this chapter.

**201.2 Interchangeability.** Words used in the present tense include the future; words stated in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural, the singular.

**201.3 Terms defined in other codes.** Where terms are not defined in this code and are defined in the *City Code*, *International—Building Code*, *International—Energy Conservation Code*, *International—Fire Code*, *International Fuel Gas Code*, *International—Mechanical Code*, *International—Plumbing Code* or *International Residential Code*, such terms shall have the meanings ascribed to them as in those codes.

**201.4 Terms not defined.** Where terms are not defined through the methods authorized by this section, such terms shall have ordinarily accepted meanings such as the context implies.

**SECTION 202  
DEFINITIONS**

**ACCESSIBLE.** Signifies access that requires the removal of an access panel or similar removable obstruction.

**ACTIVITY POOL.** A pool designed primarily for play activity that uses constructed features and devices including lily pad walks, flotation devices, small slide features, and similar attractions.

**AIR INDUCTION SYSTEM.** A system whereby a volume of air is introduced into hollow ducting built into a spa floor, bench, or hydrotherapy jets.

**[A] ALTERATION.** Any construction or renovation to an existing pool or spa other than repair.

**[A] APPROVED.** Acceptable to the code official or authority having jurisdiction.

**[A] APPROVED AGENCY.** An established and recognized agency regularly engaged in conducting tests or furnishing inspection services, or furnishing product certification where such agency has been *approved* by the code official.

**AQUATIC RECREATION FACILITY.** A facility that is designed for free-form aquatic play and recreation. The facilities may include, but are not limited to, wave or surf action pools, leisure rivers, sand bottom pools, vortex pools, activity pools, inner tube rides, body slides and interactive play attractions.

**AUTHORITY HAVING JURISDICTION.** The jurisdiction's Director of Houston Public Works, who is appointed to administer and enforce the provisions of this code. This definition shall include the authority having jurisdiction's duly authorized representatives.

**BACKWASH.** The process of cleansing the filter medium or elements by the reverse flow of water through the filter.

**BACKWASH CYCLE.** The time required to backwash the filter medium or elements and to remove debris in the pool or spa filter.

**BARRIER.** A permanent fence, wall, building wall, or combination thereof that completely surrounds the pool or spa and obstructs the access to the pool or spa. The term "permanent" shall mean not being able to be removed, lifted, or relocated without the use of a tool.

**BATHER.** A person using a pool, spa or hot tub and adjoining deck area for the purpose of water sports, recreation, therapy or related activities.

**BATHER LOAD.** The number of persons in the pool or spa water at any given moment or during any stated period of time.

**City of Houston Construction Code Amendment**  
**Council Committee and Public Comment Blackline Draft – 1.27.21**

**This Draft for Discussion Purposes Only**  
**Not yet reviewed by the City Attorney or adopted by City Council**

**BEACH ENTRY.** Sloping entry starting above the waterline at deck level and ending below the waterline. The presence of sand is not required. Also called “zero entry.”

**BUILDING CODE.** The City of Houston Building Code, as adopted by this jurisdiction.

**BUILDING OFFICIAL.** The director of Houston Public Works or the duly authorized representative designated by the director to act as the chief construction code enforcement official of the city; also known as Chief Building Official. The term relates primarily to those Houston Public Works employees who are engaged in the administration and enforcement of the City of Houston Construction Code and related laws.

**CHEMICAL FEEDER.** A floating or mechanical device for adding a chemical to pool or spa water.

**CHIEF BUILDING OFFICIAL.** The officer or other designated authority charged with the administration and enforcement of this code. The Chief Building Official may authorize the appointment of a representative, or representatives, to Deputy Building Official.

**CIRCULATION EQUIPMENT.** The components of a circulation system.

**CIRCULATION SYSTEM.** The mechanical components that are a part of a recirculation system on a pool or spa. Circulation equipment may be, but is not limited to, categories of pumps, hair and lint strainers, filters, valves, gauges, meters, heaters, surface skimmers, inlet fittings, outlet fittings and chemical feeding devices. The components have separate functions, but where connected to each other by piping, perform as a coordinated system for purposes of maintaining pool or spa water in a clear and sanitary condition.

**CITY CODE.** The Code of Ordinances of the City of Houston, Texas.

**CITY FEE SCHEDULE.** The schedule of fees charged by the city for various permits, licenses, authorizations and services, which is maintained on the city’s website.

**[A] CODE OFFICIAL.** The director of Houston Public Works and any inspector or other employee designated or appointed by that director or the director of the Houston Health Department or any inspector, health officer or other employee appointed by that director to administer and perform enforcement duties under this code, and Chapter 43 of the City Code and related laws. The officer or other designated authority charged with the administration and enforcement of this code, or a duly authorized representative.

**CONSTRUCTION CODE.** The City of Houston Construction Code, consisting of the Building Code, Electrical Code, Mechanical Code, Plumbing Code, Residential Code, and Energy Conservation Code, as well as applicable construction and development ordinances of the City Code.

**[A] CONSTRUCTION DOCUMENTS.** Written, graphic and pictorial documents prepared or assembled for describing the design, location and physical characteristics of the elements of a project necessary for obtaining a building permit.

**DECK.** An area immediately adjacent to or attached to a pool or spa that is specifically constructed or installed for sitting, standing, or walking.

**DEEP AREA.** Water depth areas exceeding 5 feet (1524 mm).

**DEPUTY BUILDING OFFICIAL.** A duly authorized representative appointed by the Chief Building Official to act on behalf of, and in the absence of, the Chief Building Official.

**DESIGN PROFESSIONAL.** An individual who is registered or licensed to practice his or her respective design profession as defined by the statutory requirements of the professional registration or licensing laws of the state or jurisdiction in which the project is to be constructed.

**DESIGN RATE OF FLOW.** The rate of flow used for design calculations in a system.

**DESIGN WATERLINE.** The centerline of the skimmer or other point as defined by the designer of the pool or spa.

**DIVING AREA.** The area of a swimming pool that is designed for diving.

**DIVING BOARD.** A flexible board secured at one end that is used for diving such as a springboard or a jump board.

**DIVING PLATFORM.** A stationary platform designed for diving.

**DIVING STAND.** Any supporting device for a springboard, jump board or diving board.

**ELECTRICAL CODE.** The National Electrical Code, based on NFPA 70 and promulgated by the National Fire Protection Association, as adopted by the state of Texas and this jurisdiction. See Section 101.4.7 of the Building Code.

**ENERGY CONSERVATION CODE.** The City of Houston Residential Energy Conservation Code or the City of

**City of Houston Construction Code Amendment  
Council Committee and Public Comment Blackline Draft – 1.27.21**

**This Draft for Discussion Purposes Only  
Not yet reviewed by the City Attorney or adopted by City Council**

Houston Commercial Energy Conservation Code, both based on the International Energy Conservation Code, as adopted by the State of Texas, or on an alternate code that has been determined to be more stringent than the International Energy Conservation Code, as provided in Chapter 388 of the Texas Health & Safety Code, both as adopted and amended by this jurisdiction. See Section 101.4.6 of the Building Code.

**EXERCISE SPA (Also known as a swim spa).** Variants of a spa in which the design and construction includes specific features and equipment to produce a water flow intended to allow recreational physical activity including, but not limited to, swimming in place. Exercise spas can include peripheral jetted seats intended for water therapy, heater, circulation and filtration system, or can be a separate distinct portion of a combination spa/exercise spa and can have separate controls.

These spas are of a design and size such that they have an unobstructed volume of water large enough to allow the 99<sup>th</sup> Percentile Man as specified in APSP 16 to swim or exercise in place.

**EXISTING BUILDING CODE.** Chapter 34 and Appendices L and M of the Building Code. ~~The City of Houston Existing Building Code based on the International Existing Building Code as adopted by this jurisdiction.~~

**EXISTING POOL OR SPA.** A pool or spa constructed prior to the date of adoption of this code, or one for which a legal building permit has been issued.

**FILTER.** A device that removes undissolved particles from water by recirculating the water through a porous substance such as filter medium or elements.

**FILTRATION.** The process of removing undissolved particles from water by recirculating the water through a porous substance such as filter medium or elements.

**FIRE CODE.** The City of Houston Fire Code based on the International Fire Code as adopted by this jurisdiction.

~~**[BS] FLOOD HAZARD AREA.** The greater of the following two areas:~~

- ~~1. The area within a flood plain subject to a 1-percent or greater chance of flooding in any year.~~
- ~~2. The area designated as a flood hazard area on a community's flood hazard map, or otherwise legally designated.~~

**FLUME.** A trough-like or tubular structure, generally recognized as a water slide, that directs the path of travel and the rate of descent by the rider.

**GUTTER.** Overflow trough in the perimeter wall of a pool that is a component of the circulation system or flows to waste.

**HAIR AND LINT STRAINER.** A device attached on or in front of a pump to which the influent line (suction line) is connected for the purpose of entrapping lint, hair, or other debris that could damage the pump.

**HANDHOLD.** That portion of a pool or spa structure or a specific element that is at or above the *design waterline* that users in the pool grasp onto for support.

**HANDRAIL.** A support device that is intended to be gripped by a user for the purpose of resting or steadying, typically located within or at exits to the pool or spa or as part of a set of steps.

**HEALTH OFFICER.** The director of the Houston Health Department or such other person as the said director may designate to administer and perform enforcement duties under this code, Chapter 43 of the City Code, and related laws.

**HYDROTHERAPY JET.** A fitting that blends air and water, creating a high-velocity turbulent stream of air enriched water.

**INTERNATIONAL BUILDING CODE.** The City of Houston Building Code, as adopted by this jurisdiction.

**INTERNATIONAL ENERGY CONSERVATION CODE.** The City of Houston Residential Energy Conservation Code or the City of Houston Commercial Energy Conservation Code, both based on the International Energy Conservation Code, as adopted by the State of Texas, or on an alternate code that has been determined to be more stringent than the International Energy Conservation Code, as provided in Chapter 388 of the Texas Health & Safety Code, both as adopted and amended by this jurisdiction. See Section 101.4.6 of the Building Code.

**INTERNATIONAL EXISTING BUILDING CODE.** Chapter 34 and Appendices L and M of the Building Code.

**INTERNATIONAL FIRE CODE.** The City of Houston Fire Code, as adopted by this jurisdiction. See Section 101.4.5 of the Building Code.

**City of Houston Construction Code Amendment  
Council Committee and Public Comment Blackline Draft – 1.27.21**

**This Draft for Discussion Purposes Only  
Not yet reviewed by the City Attorney or adopted by City Council**

**INTERNATIONAL FUEL GAS CODE.** *The City of Houston Plumbing Code*, as adopted by this jurisdiction. See Section 101.4.1 of the *Building Code*.

**INTERNATIONAL MECHANICAL CODE.** *The City of Houston Mechanical Code*, as adopted by this jurisdiction. See Section 101.4.2 of the *Building Code*.

**INTERNATIONAL PLUMBING CODE.** *The City of Houston Plumbing Code*, as adopted by this jurisdiction. See Section 101.4.3 of the *Building Code*.

**INTERNATIONAL PROPERTY MAINTENANCE CODE.** Chapter 10 of the *City Code*, which includes the *Houston Building Standards Code*. See Section 101.4.4 of the *Building Code*.

**INTERNATIONAL RESIDENTIAL CODE.** *The City of Houston Residential Code*, based on the *International Residential Code for One- and Two-Family Dwellings*, as adopted by the State of Texas in Subchapter G of Chapter 214 of the Texas Local Government Code, with amendments adopted by this jurisdiction. See Section 101.2 of the *Building Code*.

**JUMP BOARD.** A manufactured diving board that has a coil spring, leaf spring, or comparable device located beneath the board that is activated by the force exerted by jumping on the board's end.

**[A] JURISDICTION.** The governmental unit that has adopted this code.

**[A] LABEL.** An identification applied on a product by the manufacturer that contains the name of the manufacturer, the function and performance characteristics of the product or material, and the name and identification of an *approved* agency and that indicates that the representative sample of the product or material has been tested and evaluated by an *approved* agency.

**[A] LABELED.** Equipment, materials or products to which has been affixed a label, seal, symbol or other identifying mark of a nationally recognized testing laboratory, *approved* agency or other organization concerned with product evaluation that maintains periodic inspection of the production of the above-labeled items and whose *labeling* indicates either that the equipment, material or product meets identified standards or has been tested and found suitable for a specified purpose.

**LADDER.** A structure for ingress and egress that usually consists of two long parallel side pieces joined at intervals by crosspieces such as treads.

**Type A double access ladder.** An “A-Frame” ladder that straddles the pool wall of an above-ground pool and provides ingress and egress and is intended to be removed when not in use.

**Type B limited access ladder.** An “A-Frame” ladder that straddles the pool wall of an above-ground/on-ground pool.

Type B ladders are removable and have a built-in feature that prevents entry to the pool when the pool is not in use.

**Type C ladder.** A “ground to deck” staircase ladder that allows access to an above-ground pool deck and has a built-in entry-limiting feature.

**Type D in-pool ladder.** Located in the pool to provide a means of ingress and egress from the pool to the deck.

**Type E or F in-pool staircase ladder.** Located in the pool to provide a means of ingress and egress from the pool to the deck.

**LIFELINE.** An anchored line thrown to aid in rescue.

**[A] LISTED.** Equipment, materials, products or services included in a list published by an organization acceptable to the code official and concerned with evaluation of products or services that maintains periodic inspection of production of *listed* equipment or materials or periodic evaluation of services and whose listing states either that the equipment, material, product or service meets identified standards or has been tested and found suitable for a specified purpose.

**MAINTAINED ILLUMINATION.** The value, in foot-candles or equivalent units, below which the average illuminance on a specified surface is not allowed to fall. *Maintained illumination* equals the initial average illuminance on the specified surface with new lamps, multiplied by the light loss factor (LLF), to account for reduction in lamp intensity over time.

**MECHANICAL CODE.** *The City of Houston Mechanical Code*, based on the *Uniform Mechanical Code*, as adopted by this jurisdiction. See Section 101.4.2 of the *Building Code*.

**NEGATIVE EDGE.** See “Vanishing edge.”

**NONENTRY AREA.** An area of the deck from which entry into the pool or spa is prohibited.

**ONGROUND STORABLE POOL.** A pool that can be disassembled for storage or transport. This includes portable pools with flexible or nonrigid walls that achieve their structural integrity by means of uniform shape, a

**City of Houston Construction Code Amendment  
Council Committee and Public Comment Blackline Draft – 1.27.21**

**This Draft for Discussion Purposes Only  
Not yet reviewed by the City Attorney or adopted by City Council**

support frame or a combination thereof, and that can be disassembled for storage or relocation.

**OVERFLOW GUTTER.** The *gutter* around the top perimeter of the pool or spa, which is used to skim the surface.

**[A] OWNER.** Any person, agent, operator, entity, firm or corporation having any legal or equitable interest in the property;

or recorded in the official records of the state, county or municipality as holding an interest or title to the property; or otherwise having possession or control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

**[A] PERMIT.** An official document or certificate issued by the authority having jurisdiction that authorizes performance of a specified activity.

**PLUMBING CODE.** *The City of Houston Plumbing Code based on the Uniform Plumbing Code and the International Fuel Gas Code as adopted by this jurisdiction. See Section 101.4.3 of the Building Code.*

**POOL.** See “Public swimming pool” and “Residential swimming pool.”

**POWER SAFETY COVER.** A pool cover that is placed over the water area, and is opened and closed with a motorized mechanism activated by a control switch.

**PUBLIC SWIMMING POOL (Public Pool).** A pool, other than a *residential* pool, that is intended to be used for swimming or bathing and is operated by an owner, lessee, operator, licensee or concessionaire, regardless of whether a fee is charged for use. Public pools shall be further classified and defined as follows:

**Class A competition pool.** A pool intended for use for accredited competitive aquatic events such as Federation Internationale De Natation (FINA), USA Swimming, USA Diving, USA Synchronized Swimming, USA Water Polo, National Collegiate Athletic Association (NCAA), or the National Federation of State High School Associations (NFHS).

**Class B public pool.** A pool intended for public recreational use that is not identified in the other classifications of public pools.

**Class C semi-public pool.** A pool operated solely for and in conjunction with lodgings such as hotels, motels, apartments or condominiums.

**Class D-1 wave action pool.** A pool designed to simulate breaking or cyclic waves for purposes of general play or surfing.

**Class D-2 activity pool.** A pool designed for casual water play ranging from simple splashing activity to the use of attractions placed in the pool for recreation.

**Class D-3 catch pool.** A body of water located at the termination of a manufactured waterslide attraction. The body of water is provided for the purpose of terminating the slide action and providing a means for exit to a deck or walkway area.

**Class D-4 leisure river.** A manufactured stream of water of near-constant depth in which the water is moved by pumps or other means of propulsion to provide a river-like flow that transports bathers over a defined path that may include water features and play devices.

**Class D-5 vortex pool.** A circular pool equipped with a method of transporting water in the pool for the purpose of propelling riders at speeds dictated by the velocity of the moving stream of water.

**Class D-6 interactive play attraction.** A manufactured water play device or a combination of water-based play devices in which water flow volumes, pressures or patterns can be varied by the bather without negatively influencing the hydraulic conditions for other connected devices. These attractions incorporate devices or activities such as slides, climbing and crawling structures, visual effects, user-actuated mechanical devices and other elements of bather-driven and bather-controlled play.

**Class E.** Pools used for instruction, play or therapy and with temperatures above 86°F (30°C).

**Class F.** Class F pools are wading pools and are covered within the scope of this code as set forth in Section 405.

Public pools are either a diving or nondiving type. Diving types of public pools are classified into types as an indication of the suitability of a pool for use with diving equipment.

**Types VI–IX.** Public pools suitable for the installation of diving equipment by type.

**Type O.** A nondiving public pool.

**RECESSED TREADS.** A series of vertically spaced cavities in a pool or spa wall creating tread areas for step holes.

**RECIRCULATION SYSTEM.** See “Circulation system.”



**City of Houston Construction Code Amendment  
Council Committee and Public Comment Blackline Draft – 1.27.21**

**This Draft for Discussion Purposes Only  
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**[A] REPAIR.** The reconstruction or renewal of any part of a pool or spa for the purpose of its maintenance or to correct damage.

**RESIDENTIAL.** For purposes of this code, *residential* applies to detached one- and two-family dwellings and townhouses not more than three stories in height.

**RESIDENTIAL CODE.** The City of Houston Residential Code, based on the International Residential Code for One- and Two-Family Dwellings, as adopted by the State of Texas in Subchapter G of Chapter 214 of the Texas Local Government Code, including amendments adopted by this jurisdiction. See Section 101.2 of the Building Code.

**RESIDENTIAL SWIMMING POOL (Residential Pool).** A pool intended for use that is accessory to a *residential* setting and available only to the household and its guests. Other pools shall be considered to be public pools for purposes of this code.

**Types I–V.** *Residential* pools suitable for the installation of diving equipment by type.

**Type O.** A nondiving *residential* pool.

**RETURN INLET.** The aperture or fitting through which the water under positive pressure returns into a pool.

**RING BUOY.** A ring-shaped floating buoy capable of supporting a user, usually attached to a throwing line.

**ROPE AND FLOAT LINE.** A continuous line not less than 1/4 inch (6 mm) in diameter that is supported by buoys and attached to opposite sides of a pool to separate the deep and shallow ends.

**RUNOUT.** A continuation of water slide flume surface where riders are intended to decelerate and come to a stop.

**SAFETY COVER.** A structure, fabric or assembly, along with attendant appurtenances and anchoring mechanisms, that is temporarily placed or installed over an entire pool, spa or hot tub and secured in place after all bathers are absent from the water.

**SHALL.** The term, where used in the code, is construed as mandatory.

**SHALLOW AREAS.** Portions of a pool or spa with water depths less than 5 feet (1524 mm).

**SKIMMER.** A device installed in the pool or spa that permits the removal of floating debris and surface water to the filter.

**SLIP RESISTANT.** A surface that has been treated or constructed to significantly reduce the chance of a user slipping. The surface shall not be an abrasion hazard.

**SLOPE BREAK.** Occurs at the point where the slope of the pool floor changes to a greater slope.

**SPA.** A product intended for the immersion of persons in temperature-controlled water circulated in a closed system, and not intended to be drained and filled with each use. A spa usually includes a filter, an electric, solar or gas heater, a pump or pumps, and a control, and can include other equipment, such as lights, blowers, and water-sanitizing equipment.

**Permanent residential spa.** A spa, intended for use that is accessory to a *residential* setting and available to the household and its guests and where the water heating and water-circulating equipment is not an integral part of the product. The spa is intended as a permanent plumbing fixture and not intended to be moved.

**Portable residential spa.** A spa intended for use that is accessory to a *residential* setting and available to the household and its guests and where it is either self-contained or nonself-contained.

**Public spa.** A spa other than a permanent *residential* spa or portable *residential* spa that is intended to be used for bathing and is operated by an owner, licensee or concessionaire, regardless of whether a fee is charged for use.

**Self-contained spa.** A factory-built spa in which all control, water heating and water-circulating equipment is an integral part of the product. Self-contained spas may be permanently wired or cord connected.

**Nonself-contained spa.** A factory-built *spa* in which the water heating and circulating equipment is not an integral part of the product. Nonself-contained spas may employ separate components such as an individual filter, pump, heater and controls, or they can employ assembled combinations of various components.

**SPRAY POOL.** A pool or basin occupied by construction features that spray water in various arrays for the purpose of wetting the persons playing in the spray streams.

**SUBMERGED VACUUM FITTING.** A fitting intended to provide a point of connection for suction side automatic swimming pool, *spa*, and hot tub cleaners.

**SUCTION OUTLET.** A submerged fitting, fitting assembly, cover/grate and related components that

**City of Houston Construction Code Amendment  
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provide a localized low-pressure area for the transfer of water from a swimming pool, spa or hot tub. Submerged suction outlets have been referred to as main drains.

**SURFACE SKIMMING SYSTEM.** A device or system installed in the pool or spa that permits the removal of floating debris and surface water to the filter.

**SURGE CAPACITY.** The storage volume in a surge tank, *gutter*, and plumbing lines.

**SURGE TANK.** A storage vessel within the pool recirculating system used to contain the water displaced by bathers.

**SWIMOUT.** An underwater seat area that is placed completely outside of the perimeter shape of the pool. Where located at the deep end, swimouts are permitted to be used as the deep-end means of entry or exit to the pool.

**TUBE RIDE.** A gravity flow attraction found at a waterpark designed to convey riders on an inner-tube-like device through a series of chutes, channels, flumes or pools.

**TURNOVER RATE.** The period of time, usually in hours, required to circulate a volume of water equal to the pool or spa capacity.

**UNDERWATER LEDGE.** A narrow shelf projecting from the side of a vertical structure whose dimensions are defined in the appropriate standard.

**UNDERWATER SEAT.** An underwater ledge that is placed completely inside the perimeter shape of the pool, generally located in the shallow end of the pool.

**VANISHING EDGE.** Water-feature detail in which water flows over the edge of not fewer than one of the pool walls and is collected in a catch basin. Also called "Negative edge."

**WATERLINE.** See "Design waterline."

**WAVE POOL CAISSON.** A large chamber used in wave generation. This chamber houses pulsing water and air surges in the wave generation process and is not meant for human occupancy.

**ZERO ENTRY.** See "Beach entry."