

Ordinance amending Corpus Christi Code to adopt the 2018 International Swimming Pool and Spa Code, to amend swimming pool standards, to amend the definition of industrialized housing, and to modify affirmative defense for lemonade stand permitting; and providing for penalty.

WHEREAS, the State of Texas approved, and Governor Abbott signed, House Bills 2858, 1385, and 234 which requires local jurisdictions to adopt the 2018 International Swimming Pool and Spa Code, remove height limitations for a structure to be classified as industrial housing and buildings, and prohibits rules that require permitting for the sale of lemonade or other non-alcoholic beverages from a stand, on private property, or in a public park by an individual younger than 18 years of age.

WHEREAS, the Building Code Board of Appeals and Mechanical Plumbing Advisory Board recommend approval of the ordinance.

Now therefore, be it ordained by the City Council of the City of Corpus Christi, Texas:

SECTION 1. That Corpus Christi Code of Ordinances, Chapter 14 “Development Services,” Article II “City of Corpus Christi Technical Construction,” Section 14-291 “Residential construction code” is amended by adding the following language that is underlined (**added**) and deleting the language that is stricken (**deleted**) as delineated below:

Sec. 14-291. - Residential construction code.

With the following additions, deletions and revisions, the International Residential Code for One- and Two-Family Dwellings, 2015 Edition (including Appendix E, Manufactured Housing Used as Dwellings, Appendix H, Patio Covers, Appendix J Existing Building and Structures, (see International Residential Code Section R102.5, 2015 Edition)), as published by the International Code Council, a copy of which, authenticated by the signatures of the Mayor and City Secretary of the City of Corpus Christi, made public record by this section, and on file in the city secretary's office, is incorporated by reference and adopted as the Residential Construction Code for the City of Corpus Christi:

~~(24) Chapter 30 of the International Residential Code is amended by adding a new section P3009 to read as follows:~~

~~SECTION P3011~~

~~SWIMMING POOLS~~

~~P3011.1 Swimming pool backwashes. Wastewater from swimming pools, backwash from filters, and water from pool deck drains must discharge to the building drainage system through an indirect waste pipe by means of an air gap.~~

SECTION 2. That Corpus Christi Code of Ordinances, Chapter 14 “Development Services”, Article II “City of Corpus Christi Technical Construction,” is amended by adding the following

language that is underlined (added) and deleting the language that is stricken (~~deleted~~) as delineated below:

Sec. 14-301. – Swimming Pool and Spa Code.

(a) The International Swimming Pool and Spa Code, 2018 Edition, as published by the International Code Council, a copy of which, authenticated by the signatures of the Mayor and City Secretary of the City of Corpus Christi, made public record by this section, and on file in the city secretary's office, is incorporated by reference and adopted as the Swimming Pool and Spa Code for the City of Corpus Christi.

SECTION 3. That Corpus Christi Code of Ordinances, Chapter 23 “Health and Sanitation,” Article III “Unhealthful or Dangerous Conditions,” Section 23-57 is amended by adding the following language that is underlined (added) and deleting the language that is stricken (~~deleted~~) as delineated below:

Sec. 23-57. – Commercial swimming pool standards.

The following rules pertaining to commercial swimming pools shall be in full force and effect:

(1) *Definitions.* For the interpretation and enforcement of these regulations the following definitions shall apply:

(a) "Property Commercial swimming pool": Any swimming pool, other than a private pool appurtenant to a single-family, duplex, condominium, or townhouse residence used only by the occupants of the residence and their guests.

(3) *Inspections; fee.*

(a) *Inspections.* Any authorized representative of the health department of the City of Corpus Christi, Texas, may enter upon any and all parts of the premises of such swimming places, to make examinations and investigations of the sanitary conditions of such places and of such compliance with the provisions of these regulations. ~~Property swimming pools that were in operation before the adoption of the swimming pool ordinance shall have a maximum of one year from the date the ordinance passed in which to comply with said ordinance.~~ Failure to comply ~~within the time stated~~ shall constitute grounds for the immediate closing of the swimming pool until satisfactory compliance is achieved.

(5) *Safety requirements; lifesaving equipment.*

~~(b) One (1) unit of lifesaving equipment shall consist of a ring buoy not more than fifteen (15) inches in diameter to which shall be attached a sixty-foot length of three-sixteenths-inch rope, and a life pole or shepherd's crook type of pole having blunted ends with minimum length of twelve (12) feet. Not less than one (1) unit of equipment, as above, shall be provided at every property swimming pool. One unit shall be presumed to be adequate for two thousand (2,000) square feet of water surface area, and one (1) additional unit shall be provided for each additional two thousand (2,000) square feet or major fraction thereof of water surface area where there is no lifeguard on duty.~~

~~(f) There shall be a telephone readily accessible to every swimming pool. Telephone numbers of the nearest ambulance station and physician's office shall be posted near the telephone.~~

~~Directions to the location of said telephone shall be posted in such a manner as to be clearly visible from the pool deck and protected against the elements.~~

(g) In above ground pools, the stile ladder shall be removed when the pool is not in use.

(h) There shall be ~~a diagrammatic illustration of artificial respiration~~ Cardiopulmonary Resuscitation (CPR) procedures posted at every swimming pool in such a manner as to be clearly visible from the pool deck and protected against the elements.

(7) *Applicability of subsections (4) through (6) to certain bathhouses, piers or swimming pools.* Nothing in subsections (4) through (6) of this section shall be construed so as to apply to bathhouses, piers or swimming pools used exclusively by the ~~owner thereof or his family.~~ occupants of the residence and their guests.

(8) *Pool enclosure required.*

(a) All swimming pools and wading pools shall be completely enclosed by a fence, wall, or screen enclosure not less than four (4) feet in height. A building may be used as a part of such enclosure. All doors or gates in such enclosure which are accessible to the general public shall be equipped with self-closing and self-latching devices which operate to keep the gate or door securely closed at all times when not in actual use. Fences and walls of such enclosure shall be so designed as to eliminate any openings, holes, or gaps in such enclosure which would permit the passage of a sphere six (6) inches in diameter. Pools completely enclosed within buildings to which access by the general public is controlled, pools constructed above the ground floor of buildings to which access by the general public is controlled, or pools maintained within completely fenced or enclosed apartment complexes equipped with self-closing and self-latching devices on all gates or doors leading directly to the pool area accessible to the general public, shall be considered to be in compliance with the requirements of this subsection. ~~City of Corpus Christi building inspectors may make determinations that natural barriers or obstructions such as bays, rivers, cliffs, seawalls or bulkheads are sufficient to be used as part of a pool enclosure under this subsection.~~

~~(b) No final inspection shall be approved on any swimming pool or wading pool constructed after the effective date of this section unless, upon final inspection by the building division, the inspector is satisfied that the enclosure requirements of this section have been met.~~

~~(c) No swimming pool or wading pool in existence prior to the effective date of this section shall be maintained in existence without being brought into compliance with subsection (a) of this section after six (6) months from the effective date of this section.~~

SECTION 4. That Corpus Christi Code of Ordinances, Chapter 14 “Development Services”, Article XII “Industrialized Housing,” Section 14-1201 “Definition” is amended by adding the following language that is underlined (added) and deleting the language that is stricken (~~deleted~~) as delineated below:

Sec. 14-1201. - Definition.

* * * * *

(c) Industrialized housing does not include:

~~(1) A residential structure that exceeds three (3) stories or forty-nine (49) feet in height as measured from the finished grade elevation at the building entrance to the peak of the roof;~~

(21) Housing constructed of a sectional or panelized system that does not use a modular component; or

(32) A ready-built home constructed in a manner in which the entire living area is contained in a single unit or section at a temporary location for the purpose of selling and moving the home to another location.

SECTION 5. That Corpus Christi Code of Ordinances, Chapter 38 “Peddlers, Vendors, Mobile Food Vendors, Itinerant Merchants and Solicitors,” Article I “In General,” Section 38-3 “Applicability; Affirmative Defenses” is amended by adding the following language that is underlined (added) and deleting the language that is stricken (~~deleted~~) as delineated below:

Sec. 38-3. - Applicability; affirmative defenses.

This article shall not apply to the following persons, businesses or conduct or under the following conditions; provided, however, that it shall not be necessary in the prosecution of any violation of this article to negative any of such exceptions or exemptions herein expressed; but the pleading and proof of the same shall be an affirmative defense in any such prosecution:

* * * * *

(15) Lemonade ~~and the like and other non-alcoholic beverage~~ stands conducted and operated entirely by children under the age of ~~sixteen (16)~~ 18 and upon the private residential premises of such children or a public park.

Section 6. Publication shall be made in the official publication of the City of Corpus Christi as required by City Charter of the City of Corpus Christi.

Section 7. A violation of this ordinance, or requirements implemented under this ordinance, constitutes an offense punishable as provided in Section 14-207, Section 38-25 or Section 1-6 of the Corpus Christi Code of Ordinances.

Section 8. Severability. It is hereby declared to be the intention of the City that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable and, if any phrase, clause, sentence, paragraph, or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such declaration shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Ordinance, since the same would not have been acted by the City without the incorporation into this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph, or section.

Section 9. Effective date. This ordinance takes effect on upon publication.

That the foregoing ordinance was read for the first time and passed to its second reading on this the ____ day of _____, 2019, by the following vote:

Joe McComb _____

Michael Hunter _____

Roland Barrera _____

Ben Molina _____

Rudy Garza _____

Everett Roy _____

Paulette M. Guajardo _____

Greg Smith _____

Gil Hernandez _____

That the foregoing ordinance was read for the second time and passed finally on this the ____ day of _____ 2019, by the following vote:

Joe McComb _____

Michael Hunter _____

Roland Barrera _____

Ben Molina _____

Rudy Garza _____

Everett Roy _____

Paulette M. Guajardo _____

Greg Smith _____

Gil Hernandez _____

PASSED AND APPROVED on this the ____ day of _____, 2019.

ATTEST:

Rebecca Huerta
City Secretary

Joe McComb
Mayor