Ordinance No. 5569

Ordinance of the Council of the City of Palo Alto Repealing Chapter 16.18 of the Palo Alto Municipal Code and Amending Title 16 to Adopt a New Chapter 16.18, International Swimming Pool and Spa Code, With Local Amendments

The Council of the City of Palo Alto does ORDAIN as follows:

SECTION 1. Chapter 16.18 of the Palo Alto Municipal Code is hereby amended by repealing in its entirety Chapter 16.18 and adopting a new Chapter 16.18 to read as follows:

CHAPTER 16.18 2021 International Swimming Pool and Spa Code (ISPSC)

Sections	
16.18.010	2021 International Swimming Pool and Spa Code (ISPSC) adopted in part and amended.
16.18.020	Violations Penalties.
16.18.030	Enforcement Criminal Enforcement Authority.
16.18.040	References to California Building Codes.
16.18.050	Precedence of California Building Codes.
16.18.060	Administration & Enforcement of 2021 International Swimming Pool and Spa Code (ISPSC)
16.18.070	Section 101.1 Title.
16.08.080	Section 105.1.1 Agreements to build; notice of provisions.
16.18.090	Section 110.17 Final approval.
16.18.100	Section 301.1.2 Conflicts.
16.18.110	Section 303.3.1 Operating time.
16.18.120	Section 303.1.3 Covers.
16.18.130	Section 305.2 Outdoor swimming pools and spas.
16.18.140	Section 305.9 Private swimming pools.
16.18.150	Section 305.10 Enclosure.
16.18.160	Section 310.2 Construction requirements for building a pool or spa.
16.18.170	Section 316.2.1 Certification and installation.
16.18.180	Section 504.1 Emergency shutoff switch.
16.18.190	Section 903 to 908.
16.18.010	2021 International Swimming Pool and Spa Code (ISPSC) adopted in part and amended.

Chapters 1 through 3 and chapters 7 through 11 of the International Swimming Pool and Spa Code, 2021 Edition, are adopted and hereby incorporated into this Chapter by reference and

made a part hereof as if fully set forth herein. The provisions of this Chapter shall constitute local amendments to the referenced provisions of the International Swimming Pool and Spa Code, Edition.

One copy of the International Swimming Pool and Spa Code, 2021 Edition, has been filed for use and examination by the public in the Office of the Chief Building Official of the City of Palo Alto.

16.18.020 Violations -- Penalties.

It is unlawful for any person to violate any provision or to fail to comply with any of the requirements of this Chapter or any permits, conditions, or variances granted under this Chapter. Violators shall be subject to any penalty or penalties authorized by law, including but not limited to: administrative enforcement pursuant to Chapters 1.12 and 1.16 of the Palo Alto Municipal Code; and criminal enforcement pursuant to Chapter 1.08 of the Palo Alto Municipal Code. Each separate day or any portion thereof during which any violation of this Chapter occurs or continues shall be deemed to constitute a separate offense.

When the chief building official determines that a violation of this Chapter has occurred, the chief building official may record a notice of pendency of code violation with the Office of the County Recorder stating the address and owner of the property involved. When the violation has been corrected, the chief building official shall issue and record a release of the notice of pendency of code violation.

16.18.030 Enforcement -- Criminal Enforcement Authority.

The employee positions designated in this section are authorized to exercise the authority provided in California Penal Code section 836.5 for violations of this Chapter. The designated employee positions are: (1) chief building official, (2) assistant chief building official, (3) building inspection manager, and (4) code enforcement officer.

16.18.040 References to California Building Codes.

The International Swimming Pool and Spa Code, 2021 Edition, is hereby amended to refer to those building regulations adopted by the California Building Standards Commission in Title 24 of the California Code of Regulations, as follows:

- 1. Where the term "International Building Code" is used it shall be replaced with the term "California Building Code (CBC)."
- 2. Where the term "International Residential Code" is used it shall be replaced with the term "California Residential Code."
- 3. Where the term "International Plumbing Code" is used it shall be replaced with the term "California Plumbing Code."
- 4. Where the term "International Energy Conservation Code" is used it shall be replaced with the term "California Energy Code."
- 5. Where the term "International Fire Code" is used it shall be replaced with the term "California Fire Code."

- 6. Where the term "International Fuel Gas Code" is used it shall be replaced with the term "California Plumbing Code."
- 7. Where the term "International Mechanical Code" is used it shall be replaced with the term "California Mechanical Code."
- 8. Where the term "NFPA 70" is used it shall be replaced with the term "California Electrical Code."

16.18.050 Precedence of California Building Codes.

In the event of any conflict between this Chapter and provisions of the California Health and Safety Code or the building regulations adopted by the California Building Standards Commission in Title 24 of the California Code of Regulations, the provisions of the Health and Safety Code and Title 24 shall prevail.

16.18.060 Administration & Enforcement of 2021 International Swimming Pool and Spa Code (ISPSC)

Administration and enforcement of this code shall be governed by Chapter 1, Division II of the 2022 California Building Code as amended by Palo Alto Municipal Code Chapter 16.04, and the any sections of the 2022 International Swimming Pool and Spa Code that are adopted by the City of Palo Alto in this Chapter 16.18.

16.18.070 Section 101.1 Title.

Section 101.1 of the International Swimming Pool and Spa Code is hereby amended to read:

101.1 Title. These regulations shall be known as the International Swimming Pool and Spa Code of the City of Palo Alto, hereinafter referred to as "this code."

16.08.080 Section 105.1.1 Agreements to build; notice of provisions.

Section 105.1.1 of the International Swimming Pool and Spa Code is hereby added to read:

105.1.1 Agreements to build; notice of provisions. Any person entering into an agreement to build a swimming pool or spa, or to engage in permitted work on a pool or spa covered by this article, shall give the consumer notice of the requirements of this code.

Pursuant to existing law, the California Department of Health Services shall have available on the department's web site, commencing January 1, 2007, approved pool safety information available for consumers to download. Pool contractors are encouraged to share this information with consumers regarding the potential dangers a pool or spa poses toddlers. Additionally, pool contractors may provide the consumer with swimming pool safety materials produced from organizations such as the United States Consumer Product Safety Commission, Drowning Prevention Foundation, California Coalition for Children's Safety & Health, Safe Kids Worldwide, Association of

Pool and Spa Professionals, or the American Academy of Pediatrics. [CBC 3109.1, 115924]

16.18.090 Section **110.17** Final approval.

Section 110.17 of the International Swimming Pool and Spa Code is hereby added to read:

110.17 Final Approval. Prior to the issuance of any final approval for the completion of permitted construction or remodeling work, the code official shall inspect the drowning safety prevention devices required and if no violations are found, shall give final approval. [CBC 3109.1, 15922(b)]

16.18.100 Section 301.1.2 Conflicts.

Section 301.1.2 of the International Swimming Pool and Spa Code is hereby added to read:

301.1.2 Conflicts. In the event of a conflict between the provisions of the Swimming Pool Safety Act, the International Swimming Pool and Spa Code, 2021 Edition, the 2022 California Building Code, or the 2022 California Residential Code, the Building Official shall implement the most restrictive measures cited.

16.18.110 Section 303.3.1 Operating time.

Section 303.3.1 of the International Swimming Pool and Spa Code is hereby added to read:

303.3.1 Operating time. The time switch or other control mechanism shall be installed as part of a pool water circulation control system that will allow all pumps to be set or programmed to run only during off-peak electric demand period, and for the minimum time necessary to maintain the water in the condition required by applicable public health standards. [California Energy Code (CEnC) 110.4(b)3ii]

16.18.120 Section 303.1.3 Covers.

Section 303.1.3 of the International Swimming Pool and Spa Code is hereby amended to read:

303.1.3 Covers. Outdoor pools and outdoor spas shall be provided with a vapor retardant cover.

16.18.130 Section 305.2 Outdoor swimming pools and spas.

Section 305.2 of the International Swimming Pool and Spa Code is hereby amended to read:

305.2 Outdoor swimming pools and spas. All outdoor pools and spas and indoor swimming pools shall be surrounded by a barrier that complies with Sections 305.2.1 through 305.7. [CBC 3109.1, 115922]. Refer to 305.9 for additional drowning prevention safety features.

16.18.140 Section 305.9 Private swimming pools.

Section 305.9 of the International Swimming Pool and Spa Code is hereby added to read:

305.9 Private swimming pools. Whenever a building permit is issued for construction of a new swimming pool or spa, or any building permit is issued for remodeling of an existing pool or spa, at a private, single-family home, it shall be equipped with at least two of the following seven drowning prevention safety features:

- 1. The pool shall be isolated from access to a home by an enclosure that meets the requirements of Section 305.10.
- 2. The pool shall incorporate removable mesh pool fencing that meets ASTM F 2286 in conjunction with a gate that is self-closing and self-latching and can accommodate a key lockable device.
- 3. The pool shall be equipped with an approved safety pool cover that meets all requirements of the ASTM F 1346.
- 4. The residence shall be equipped with exit alarms on those doors providing direct access to the pool. The exit alarm may cause either an alarm noise or a verbal warning, such as a repeating notification that "the door to the pool is open."
- 5. All doors providing direct access from the home to the swimming pool shall be equipped with a self-closing, self-latching device with a release mechanism placed no lower than 54 inches (1372 mm) above the floor.
- 6. An alarm that, when placed in a swimming pool or spa, will sound upon detection of accidental or unauthorized entrance into the water. The alarm shall meet and be independently certified to the ASTM Standard F2208 "Standard Safety Specification for Residential Pool Alarms," which includes surface motion, pressure, sonar, laser, and infrared type alarms. A swimming protection alarm feature designed for individual use, including an alarm attached to a child that sounds when the child exceeds a certain distance or becomes submerged in water, is not a qualifying drowning prevention safety feature.
- 7. Other means of protection, if the degree of protection afforded is equal to or greater than that afforded by any of the devices set forth in items 1 4 and have been independently verified by an approved testing laboratory as meeting standards for those devices established by the ASTM or ASME.

Exceptions:

- 1. Public swimming pools.
- 2. Hot tubs or spas with locking safety covers that comply with the ASTM ES 13-89. b)]
- 3. An apartment complex, or any residential setting other than a single-family home.

16.18.150 Section 305.10 Enclosure.

Section 305.10 of the International Swimming Pool and Spa Code is hereby added to read:

305.10 Enclosure. The enclosure for private swimming pools shall have all of the following characteristics:

- 1. Any access gates through the enclosure open away from the swimming pool and are self-closing with a self-latching device placed no lower than 60 inches (1524 mm) above the ground.
- 2. A minimum height of 60 inches (1524 mm).
- 3. A maximum vertical clearance from the ground to the bottom of the enclosure of 2 inches (51 mm).
- 4. Gaps or voids, if any, do not allow passage of a sphere equal to or greater than 4 inches (102 mm) in diameter.
- 5. An outside surface free of protrusions, cavities or other physical characteristics that would serve as handholds or footholds that could enable a child below the age of five years to climb over.

16.18.160 Section 310.2 Construction requirements for building a pool or spa.

Section 310.2 of the International Swimming Pool and Spa Code is hereby added to read:

- **310.2** Construction requirements for building a pool or spa. Whenever a building permit is issued for the construction a new private swimming pool or spa, the pool or spa shall meet all of the following requirements:
 - (1) The suction outlets of the pool or spa for which the permit is issued shall be equipped to provide circulation throughout the pool or spa as prescribed in paragraphs (2) and (3).
 - (2) The swimming pool or spa shall either have at least two circulation suction outlets per pump that shall be hydraulically balanced and symmetrically plumbed through one or more "T" fittings, and that are separated by a distance of at least three feet in any dimension between the suction outlets, or be designed to use alternatives to suction outlets, including, but not limited to, skimmers or perimeter overflow systems to conduct water to the recirculation pump.
 - (3) The circulation system shall have the capacity to provide a complete turnover of pool water, as specified in Section 3124B of Chapter 31B of the California Building Standards Code (Title 24 of the California Code of Regulations).
 - (4) Suction outlets shall be covered with anti-entrapment grates, as specified in the ANSI/APSP-16 performance standard or successor standard designated by the federal Consumer Product Safety Commission, that cannot be removed except with the use of tools. Slots or openings in the grates or similar protective devices shall be

of a shape, area, and arrangement that would prevent physical entrapment and would not pose any suction hazard to bathers.

(5) Any backup safety system that an owner of a new swimming pool or spa may choose to install in addition to the requirements set forth in subdivisions (a) and (b) shall meet the standards as published in the document, "Guidelines for Entrapment Hazards: Making Pools and Spas Safer," Publication Number 363, March 2005, United States Consumer Product Safety Commission.

16.18.170 Section 316.2.1 Certification and installation.

Section 316.2.1 of the International Swimming Pool and Spa Code is hereby added to read:

316.2.1 Certification and installation.

- (a) Certification by manufacturers. Heating systems and equipment shall be certified by the manufacturer that the heating system and equipment complies with the following:
 - 1. Efficiency. A thermal efficiency that complies with the Appliance Efficiency Regulations in Title 20, Division 2, Chapter 4, Article 4 of the California Code of Regulations; and [CEnC 110.4(a)1]
 - 2. On-off switch. A readily accessible on-off switch, mounted on the outside of the heater that allows shutting off the heater without adjusting the thermostat setting; and [CEnC 110.4(a) 2]
 - 3. Instructions. A permanent, easily readable and weatherproof plate or card that gives instruction for the energy efficient operation of the pool or spa heater and for the proper care of pool or spa water when a cover is used; and [CEnC 110.4(a)3]
 - 4. Electric resistance heating. No electric resistance heating.
 - **Exception 1 to Section 110.4(a)4:** Listed package units with fully insulated enclosures, and with tight-fitting covers that are insulated to at least R-6.
 - **Exception 2 to Section 110.4(a)4:** Pools or spas deriving at least 60 percent of the annual heating energy from site solar energy or recovered energy. [CEnC 110.4(a)4]
- (b) Installation. Any pool or spa system or equipment shall be installed with all of the following:
 - 1. Piping. At least 36 inches of pipe shall be installed between the filter and the heater or dedicated suction and return lines, or built-in or built-up connections shall be installed to allow for the future addition of solar heating equipment. [CEnC 110.4(b)1]
 - 2. Covers. A cover for outdoors pools or outdoor spas.

3. Directional inlets. The swimming pool shall have directional inlets that adequately mix the pool water. [CEnC 110.4(b)3i]

16.18.180 Section 504.1 Emergency shutoff switch.

Section 504.1 of the International Swimming Pool and Spa Code is hereby amended to read:

504.1 Emergency shutoff switch. One emergency shutoff switch shall be provided to disconnect power to circulation and jet system pumps and air blowers. Emergency shutoff switches shall be clearly labeled, accessible, located within sight of the spa and shall be located not less than 5 feet (1524 mm) but not greater than 10 feet (3048 mm) horizontally from the inside walls of the spa. [California Electrical Code (CEC), 680.41]

16.18.190 Section 903 to 908.

Section 903 to 908 of the International Swimming Pool and Spa Code are added as follows:

SECTION 903 MATERIALS

903.1 Pumps and motors. Pumps and motors shall be *listed* and *labeled* for use in spas.

SECTION 904 STRUCTURE AND DESIGN

- **904.1 Water depth.** The maximum water depth for spas shall be 4 feet (1219 mm) measured from the *design waterline* except for spas that are designed for special purposes and *approved* by the authority having jurisdiction. The water depth for exercise spas shall not exceed 6 feet 6 inches (1981 mm) measured from the *design waterline*.
- **904.2 Multilevel seating.** Where multilevel seating is provided, the maximum water depth of any seat or sitting bench shall be 28 inches (711 mm) measured from the *design waterline* to the lowest measurable point.
- **904.3 Floor slope.** The slope of the floor shall not exceed 1 unit vertical in 12 units horizontal (8.3-percent slope). Where multilevel floors are provided, the change in depth shall be indicated.

SECTION 905 PUMPS AND MOTORS

- **905.1Emergency shutoff switch.** One emergency shutoff switch shall be provided to disconnect power to circulation and jet system pumps and air blowers. Emergency shutoff switches shall be accessible, located within sight of the spa and shall be located not less than 5 feet (1524 mm) but not greater than 10 feet (3048 mm) horizontally from the inside walls of the spa.
- 905.2 Timer. The operation of the hydrotherapy jets shall be limited by a cycle timer having a

maximum setting of 10 minutes. The cycle timer shall be located not less than 5 feet (1524 mm) away, adjacent to, and within sight of the spa.

SECTION 906 RETURN AND SUCTION FITTINGS

- **906.1 Return fittings.** Return fittings shall be provided and arranged to facilitate a uniform circulation of water and maintain a uniform sanitizer residual throughout the entire spa or exercise spa.
- **906.2 Suction fittings.** Suction fittings shall be in accordance with Sections 505.2.1 through 505.2.4.
 - **906.2.1 Testing and certification.** Suction fittings shall be *listed* and *labeled* in accordance with APSP 16.
 - **906.2.2 Installation.** Suction fittings shall be sized and installed in accordance with the manufacturer's specifications. Spas and exercise spas shall not be used or operated if the suction outlet cover is missing, damaged, broken or loose.
 - **906.2.3 Outlets per pump.** Suction fittings shall be provided in accordance with Section 310.
 - **906.2.4Submerged vacuum fittings.** *Submerged vacuum fittings* shall be in accordance with Section 310.

SECTION 907 HEATER AND TEMPERATURE REQUIREMENTS

- **907.1 General.** This section pertains to fuel-fired and electric appliances used for heating spa or exercise spa water.
- **907.2 Water temperature controls.** Components provided for water temperature controls shall be suitable for the intended application.

907.2.1 Water temperature regulating controls.

Water temperature regulating controls shall comply with UL 873 or UL 372. A means shall be provided to indicate the water temperature in the spa.

Exception: Water temperature regulating controls that are integral to the heating appliance and *listed* in accordance with the applicable end use appliance standard.

907.2.2Water temperature limiting controls. Water temperature limiting controls shall comply with UL 873 or UL 372. Water temperature at the heater return outlet shall not exceed 140°F (60°C).

SECTION 908 WATER SUPPLY

908.1Water temperature.

The temperature of the incoming makeup water shall not exceed 104°F (40°C).

SECTION 2. If any section, subsection, clause or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portion or sections of the Ordinance. The Council hereby declares that it should have adopted the Ordinance and each section, subsection, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid.

SECTION 3. The Council finds that this project is exempt from the provisions of the California Environmental Quality Act ("CEQA"), pursuant to Section 15061 of the CEQA Guidelines, because it can be seen with certainty that there is no possibility that the amendments herein adopted will have a significant effect on the environment.

SECTION 4. This Ordinance shall be effective on the thirty-first day after the date of its adoption.

INTRODUCED:	October 17, 2022		
PASSED:	November 14, 2022		
AYES: BURT, CO	CORMACK, DUBOIS, FILSETH, KOU, STONE, TANAKA		
NOES:			
ABSENT:			
ABSTENTIONS:			
ATTEST:			
Docusigned by: Lesley Milton		Patrick Burt	
City Clerk		Mayor	
APPROVED AS TO FOI	RM:	APPROVED:	
Docusigned by: Albert Yang		Docusigned by: Ed Shikada	
Assistant City Attorne	<u></u>	City Manager	
		DocuSigned by:	
		Director of Planning and Development Services	
		DocuSigned by: Kiefy S. Nosé	
		Director of Administrative Services	

Certificate Of Completion

Envelope Id: D7A3D7A742E54B7B93989ECE93D9649F

Subject: DocuSign: Adoption of 9 Ordinances Related to the 2022 CA Building Codes

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City of Palo Alto

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Albert.Yang@CityofPaloAlto.org Assistant City Attorney

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Geoffrey Blackshire Geoffrey.Blackshire@CityofPaloAlto.org

Fire Chief Fire Services

Security Level: Email, Account Authentication

(None)

Geoffrey Blackshire -0FF7BFD933914C6...

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City of Palo Alto

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(None)

Brad Eggleston

Signature Adoption: Pre-selected Style Using IP Address: 199.33.32.254

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Signed: 12/1/2022 7:26:13 AM

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City of Palo Alto

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(None)

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Not Offered via DocuSign

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City Clerk City Clerk

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(None)

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Ed Shikada -F2DCA19CCC8D4F9

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Patrick Burt ED9E9CFB89E64FF..

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Lesley Mitton

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Envelope Summary Events Status Timestamps

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Completed	Security Checked	12/2/2022 11:55:38 AM
Payment Events	Status	Timestamps