

**TOWN OF WESTOVER HILLS, TEXAS  
ORDINANCE NO. 16 - 05**

**AN ORDINANCE OF THE TOWN OF WESTOVER HILLS, TEXAS AMENDING CHAPTER 3, BUILDING REGULATIONS, ARTICLE 3.04, DIVISION 2, OF THE CODE OF ORDINANCES BY DELETING ARTICLE 3.04, DIVISION 2, IN ITS ENTIRETY AND ADDING A NEW ARTICLE 3.04, DIVISION 2, THEREBY ADOPTING THE INTERNATIONAL RESIDENTIAL CODE, 2015 EDITION, AND SUBSEQUENT REVISIONS REGULATING THE CONSTRUCTION, ERECTION, ALTERATION, OR IMPROVING OF BUILDINGS OR STRUCTURES IN THE TOWN OF WESTOVER HILLS; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the intent of the adoption of the International Residential Code, 2015 Edition, hereinafter referred to as “the code”, is to ensure that all buildings and structures hereinafter constructed, erected, altered or improved within the Town of Westover Hills will conform to all reasonable requirements for the preservation of the public health and safety, as well as consolidate, clarify and create conformance with the procedures and requirements for the construction, erection, alteration and improvement of such buildings and structures.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF WESTOVER HILLS, TEXAS, THAT:**

**Section 1.** That, the above and foregoing caption and preamble are true and correct and is hereby incorporated herein in its entirety.

**Section 2. Amendments, Deletions and Additions**

**Sec. 3.04.031 Adoption**

The town, by and through its town council, hereby adopts procedures and requirements concerning the construction, erection, alteration or improvement of buildings and structures located on properties within the corporate limits of the town as set forth in the 2015 edition of the International Residential Code as amended or revised, and incorporated herein for all purposes. No person, corporation or association shall construct, erect, alter or improve any structure or building within the corporate limits of the town without being in compliance with the provisions of this code and permitting process set forth therein. A copy of said code shall be maintained at all times in the office of the town building official. (Ordinance 01-1, sec. I, adopted 11/28/01; Ordinance 11-08, sec. I, adopted 12/5/11)

**Sec. 3.04.032 Amendments**

The following amendments, deletions and additions are hereby incorporated in the code:

**A. Section R113.4, Violation penalties.** Amended to read as follows:

“The penalty for a violation of this Code is as set out in the Town of Westover Hills Code of Ordinances Section 1.01.009.”

**B. Table R301.2 (1).**

GROUND SNOW LOAD	WIND DESIGN				SEISMIC DESIGN CATEGORY <sup>f</sup>	SUBJECT TO DAMAGE FROM			WINTER DESIGN TEMPE <sup>e</sup>	ICE BARRIER UNDE R-LAYMENT <sup>h</sup>	FLOOD HAZARDS <sup>g</sup>	AIR FREEZING INDE X <sup>i</sup>	MEAN ANNUAL TEMPI
	SPEED <sup>d</sup> (MPH)	Topographic Effects <sup>k</sup>	Special Wind Region <sup>L</sup>	Windborne Debris Zone <sup>m</sup>		Weathering A	Frost Line Depth <sup>b</sup>	Termite <sup>c</sup>					
5 lb/ft	115 (3 sec-gust)/ 76 fastest mile	No	No	No	A	Moderate	6"	Very Heavy	22 <sup>o</sup> F	No	Local Code	150	64.9 <sup>o</sup> F

**C. R302.5.1, Opening protection.** Openings from a private garage directly into a room used for sleeping purposes shall not be permitted. Other openings between the garage and residence shall be equipped with solid wood doors not less than 13/8 inches (35 mm) in thickness, solid or honeycomb core steel doors not less than 13/8 inches (35 mm) thick, or 20-minute fire-rated doors.

**D. R302.7, Under-stair protection.** Enclosed accessible space under stairs shall have walls, under stair surface and any soffits protected on the enclosed side with 5/8" (15.8 mm) fire-rated gypsum board or one-hour fire-resistive construction.

**E. R302.7.1, Draftstopping in attics.** Draftstopping shall be installed in attics and concealed roof spaces, such that any horizontal area does not exceed 3,000 square feet (279 m<sup>2</sup>).

**F. R302.7.2, Elevator, dumbwaiter and other hoistways.** Elevator, dumbwaiter, and other hoistway shaft enclosures shall be constructed in accordance with all of the following criteria:

1. The shaft enclosure shall be of materials permitted by the building type of construction.
2. Shaft enclosures shall have a fire-resistance rating of not less than 1 hour where connecting less than 4 stories. The number of stories connected by the shaft enclosure shall include any basements.
3. The design, construction, installation, alteration, repair and maintenance of elevator, dumbwaiter, other hoistway and their components shall conform to ASME A17.1, ASME A90.1, ASME B20.1 and ALI ALCTV.
4. Doors, other than the hoistway doors and the elevator car door, shall be prohibited at the point of access to an elevator car unless such doors are readily openable from the car side without a key, tool, special knowledge or effort.
5. Elevators shall not be in a common shaft with a stairway.

**G. R313, Automatic Fire Sprinkler Systems.** *Delete in its entirety.*

**H. R326, Swimming Pools, Spas and Hot Tubs.**

1. R326.1, General. The design and construction of swimming pools and spas shall comply with the 2015 IRC, Appendix Q, Swimming Pools, Spas and Hot Tubs, as referenced herein.

**I. R905, Requirements for Roof Coverings.** *Delete all references to use of asphalt shingles in their entirety.*

**J. G2415.2 (404.2).** Add second paragraph to read as follows:

“Both ends of each section of medium pressure gas piping shall identify its operating gas pressure with an *approved* tag. The tags are to be composed of aluminum or stainless steel and the following wording shall be stamped into the tag:

“WARNING: 1/2 to 5 psi gas pressure - Do Not Remove”

**K. G2415.2.2 (404.2.2).** Add an exception to read as follows:

“Exception: Corrugated stainless steel tubing (CSST) shall be a minimum of 1/2" (18 EDH).”

**L. G2415.12 (404.12).** Change to read as follows:

“G2415.12 (404.12), Minimum burial depth. Underground *piping systems* shall be installed a minimum depth of 18 inches (457 mm) below grade.”

**M. P2902.5.3, Lawn irrigation systems.** The potable water supply to lawn irrigation systems shall be protected against backflow by an atmospheric-type vacuum breaker, a pressure-type vacuum breaker, a double-check assembly or a reduced pressure principle backflow preventer. A valve shall not be installed downstream from an atmospheric vacuum breaker. Where chemicals are introduced into the system, the potable water supply shall be protected against backflow by a reduced pressure principle backflow preventer.

**N. Appendix Q.** Amended to read as follows:

**“Appendix Q, Swimming Pools, Spas and Hot Tubs.**

**a. AQ101. General**

1. AQ101.1. The provisions of this appendix shall control the design and construction of swimming pools, spas and hot tubs installed in or on the lot of a one- or two-family dwelling.
2. AQ101.2. Pools in flood hazard areas.

Pools that are located in flood hazard areas established by Table R301.2(1), including above-ground pools, on-ground pools and in-ground pools that involve placement of fill, shall comply with Section AQ101.2.1 or AQ101.2.2.

Exception: Pools located in riverine flood hazard areas which are outside of designated floodways.

3. AQ101.2.1. Pools located in designated floodways.

Where pools are located in designated floodways, documentation shall be submitted to the building official which demonstrates that the construction of the pool will not increase the design flood elevation at any point within the jurisdiction.

4. AQ101.2.2. Pools located where floodways have not been designated.

Where pools are located where design flood elevations are specified but floodways have not been designated, the applicant shall provide a floodway analysis that demonstrates that the proposed pool will not increase the design flood elevation more than 1 foot (305 mm) at any point within the jurisdiction.

**b. AQ102. Definitions.**

1. AQ102.1. For the purposes of these requirements, the terms used herein shall be defined as follows and as set forth in Chapter 2:
2. ABOVE-GROUND/ON-GROUND POOL. See "Swimming pool."
3. BARRIER. A fence, wall, building wall or combination thereof which completely surrounds the swimming pool and obstructs access to the swimming pool.
4. HOT TUB. See "Swimming pool."
5. IN-GROUND POOL. See "Swimming pool."

6. RESIDENTIAL. That which is situated on the premises of a detached one- or two-family dwelling, or a one-family townhouse not more than three stories in height.

7. SPA, NONPORTABLE. See "Swimming pool."

8. SPA, PORTABLE. A nonpermanent structure intended for recreational bathing, in which all controls, water-heating and water-circulating equipment are an integral part of the product.

9. SWIMMING POOL. Any structure intended for swimming or recreational bathing that contains water more than 24 inches (610 mm) deep. This includes in-ground, above-ground and on-ground swimming pools, hot tubs and spas.

10. SWIMMING POOL, INDOOR. A swimming pool which is totally contained within a structure and surrounded on all four sides by the walls of the enclosing structure.

11. SWIMMING POOL, OUTDOOR. Any swimming pool which is not an indoor pool.

**c. AQ103. Swimming Pools**

1. AQ103.1. In-ground pools.

In-ground pools shall be designed and constructed in compliance with ANSI/NSPI-5.

2. AQ103.2. Above-ground and on-ground pools.

Above-ground and on-ground pools shall be designed and constructed in compliance with ANSI/NSPI-4.

3. AQ103.3. Pools in flood hazard areas.

In flood hazard areas established by Table R301.2(1), pools in coastal high-hazard areas shall be designed and constructed in compliance with ASCE 24.

**d. AQ104. Spas and Hot Tubs.**

1. AQ104.1. Permanently installed spas and hot tubs.

Permanently installed spas and hot tubs shall be designed and constructed in compliance with ANSI/NSPI-3.

2. AQ104.2. Portable spas and hot tubs.

Portable spas and hot tubs shall be designed and constructed in compliance with ANSI/NSPI-6.

**e. AQ105. Barrier Requirements**

1. AQ105.1. Application.

The provisions of this appendix shall control the design of barriers for residential swimming pools, spas and hot tubs. These design controls are intended to provide protection against potential drownings and near-drownings by restricting access to swimming pools, spas and hot tubs.

2. AQ105.2. Outdoor swimming pool.

An outdoor swimming pool, including an in-ground, above-ground or on-ground pool, hot tub or spa shall be surrounded by a barrier which shall comply with the following:

(a) The top of the barrier shall be at least 48 inches (1219mm) above grade measured on the side of the barrier, which faces away from the swimming pool. The maximum vertical clearance between grade and the bottom of the barrier shall be 2 inches (51mm) measured on the side of the barrier, which faces away from the swimming pool. Where the top of the pool structure is above grade, such as an above-ground pool, the barrier may be at ground level, such as the pool structure, or mounted on top of the pool structure. Where the barrier is mounted on top of the pool structure, the maximum vertical clearance between the top of the pool structure and the bottom of the barrier shall be 4 inches (102mm).

(b) Openings in the barrier shall not allow passage of a 4-inch-diameter (102mm) sphere.

(c) Solid barriers which do not have openings, such as a masonry or stone wall, shall not contain indentations or protrusions except for normal construction tolerances and tooled masonry joints.

(d) Where the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members is less than 45 inches (1143mm), the horizontal members shall be located on the swimming pool side of the fence. Spacing between vertical members shall not exceed 1.75 inches (44mm) in width. Where there are decorative cutouts within vertical members, spacing within the cutouts shall not exceed 1.75 inches (44 mm) in width.

(e) Where the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members is 45 inches (1143 mm) or more, spacing between vertical members shall not exceed 4 inches (102 mm). Where there are decorative cutouts within vertical members, spacing within the cutouts shall not exceed 1.75 inches (44 mm) in width.

(f) Maximum mesh size for chain link fences shall be a 2.25-inch (57 mm) square unless the fence is provided with slats fastened at the top or the bottom which reduce the openings to not more than 1.75 inches (44 mm).

(g) Where the barrier is composed of diagonal members, such as a lattice fence, the maximum opening formed by the diagonal members shall not be more than 1.75 inches (44 mm).

(h) Access gates shall comply with the requirements of Section AQ105.2, Items 1 through 7, and shall be equipped to accommodate a locking device. Pedestrian access gates shall open outward away from the pool and shall be self-closing and have a self-latching device. Gates other than pedestrian access gates shall have a self-latching device. Where the release mechanism of the self-latching device is located less than 54 inches (1372 mm) from the bottom of the gate, the release mechanism and openings shall comply with the following:

(1) The release mechanism shall be located on the pool side of the gate at least 3 inches (76 mm) below the top of the gate, and

(2) The gate and barrier shall have not opening greater than 0.5 inch (13 mm) within 18 inches (457 mm) of the release mechanism.

(i) Where a wall of a dwelling serves a part of the barrier one of the following conditions shall be met:

(1) The pool shall be equipped with a powered safety cover in compliance with ASTM F1346; or

(2) Doors with direct access to the pool through that wall shall be equipped with an alarm which produces an audible warning when the door and/or its screen, if present, are opened. The alarm shall be listed and labeled in accordance with UL 2017. The deactivation switch(es) shall be located at least 54 inches (1372 mm) above the threshold of the door; or

(3) Other means of protection, such as self-closing doors with self-latching devices, which are approved by the governing body, shall be acceptable as long as the degree of protection afforded is not less than the protection afforded by Item 9.1 or 9.2 described above.

(j) Where an above-ground pool structure is used as a barrier or where the barrier is mounted on top of the pool structure, and the means of access is a ladder or steps, then:

(1) The ladder or steps shall be capable of being secured, locked or removed to prevent access, or

(2) The ladder or steps shall be surrounded by a barrier which meets the requirements of Section AQ105.2, Items 1 through 9. When the ladder or steps are secured, locked or removed, any opening created shall not allow the passage of a 4-inch diameter (102 mm) sphere.

3. AQ105.3. Indoor swimming pool.

Walls surrounding an indoor swimming pool shall comply with Section AQ105.2.

4. AQ105.4. Prohibited locations.

Barriers shall be located so as to prohibit permanent structures, equipment or similar objects from being used to climb them.

5. AQ105.5. Barrier exceptions.

Spas or hot tubs with a safety cover which complies with ASTM F 1346, as listed in Section AQ107, shall be exempt from the provisions of this appendix.

**f. AQ106. Entrapment Protection for Swimming Pool and Spa Suction Outlets**

a. AQ106.1. General.

Suction outlets shall be designed and installed in accordance with ANSI/APSP-7.

**g. AQ107. Abbreviations**

a. AQ107.1. General.

ANSI—American National Standards Institute  
11 West 42nd Street  
New York, NY 10036

APSP—Association of Pool and Spa Professionals  
NSPI—National Spa and Pool Institute  
2111 Eisenhower Avenue  
Alexandria, VA 22314

ASCE—American Society of Civil Engineers  
1801 Alexander Bell Drive  
Reston, VA 98411-0700

ASTM—ASTM International  
100 Barr Harbor Drive  
West Conshohocken, PA 19428

UL—Underwriters Laboratories, Inc.  
333 Pfingsten Road  
Northbrook, IL 60062-2096

**h. AQ108. Standards**

a. AQ108.1. General.

ANSI/NSP

ANSI/NSP-3-99 Standard for Permanently Installed Residential Spas..AQ104.1

ANSI/NSPI

ANSI/NSPI-4-99 Standard for Above-ground/On-ground Residential Swimming Pools..AQ103.2

ANSI/NSPI-5-2003 Standard for Residential In-ground Swimming Pools..AQ103.1

ANSI/NSPI-6-99 Standard for Portable Residential Spas..Q104.2

ANSI/APSP

ANSI/APSP-7-06 Standard for Suction Entrapment avoidance in Swimming Pools, Wading Pools Spas, Hot Tubs and Catch Basins..AQ106.1

ASCE

ASCE/SEI-24-05 Flood Resistant Design and Construction..AQ103.3

ASTM

ASTM F 1346-91 (2003) Performance Specification for Safety Covers and Labeling Requirements for All Covers for Swimming Pools, Spas and Hot Tubs..AQ105.2 and AQ105.5

UL

UL 2017-2000 Standard for General-purpose Signaling Devices and Systems-with Revisions through June 2004..AQ105.2”

**Sec. 3.04.033 Implementation**

The mayor or his designee is hereby authorized and directed to implement the applicable provisions of this division. (Ordinance 01-1, sec. III, adopted 11/28/01; Ordinance 11-08, sec. III, adopted 12/5/11)

**Sec. 3.04.034 Penalty**

Any person, corporation or association violating any provision of this division, including the procedures and permits adopted hereby and incorporated herein, shall be subject to a fine of not less than \$100.00 and not more than \$500.00, and each day of violation shall be deemed a separate offense. Provided, however, compliance may further be brought through injunctive relief in the district court. (Ordinance 01-1, sec. V, adopted 11/28/01; Ordinance 11-08, sec. V, adopted 12/5/11)

**Section 3.** The Town Council of the Town of Westover Hills, Texas hereby amends Chapter 3, Building Regulations, Article 3.04, Division 2, of the Code of Ordinances by deleting said Chapter 3, Article 3.04, Division 2, in its entirety and adding a new Article 3.04, Division 2, adopting the International Residential Code, 2015 Edition, as published by the International Code

Council, including any amendments stated herein.

**Section 4. Savings and Repealing Clause.** That all ordinances or any parts thereof in conflict with the provisions of this ordinance shall be and are hereby repealed in their entirety.

**Section 5. Penalty.** Any person violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in a sum not to exceed Five Hundred Dollars (\$500.00) and a separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.

**Section 6. Severability.** If any section, article, paragraph, sentence, clause, phrase or word in this ordinance, or application thereto any person or circumstance is held invalid or unconstitutional by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this ordinance; and the Town Council hereby declares it would have passed such remaining portions of the ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

**Section 7. Publication and effective date.** The caption of this Ordinance shall be published in accordance with the laws of the State of Texas and shall be effective immediately upon its passage and publication.

**PASSED AND APPROVED** by the Town Council of the Town of Westover Hills, Texas on this the 16<sup>th</sup> day of AUGUST, 2016.

TOWN OF WESTOVER HILLS, TEXAS

  
\_\_\_\_\_  
Stephen L. Tatum, Mayor

ATTEST:

  
\_\_\_\_\_  
Penny Spikes, Town Secretary

APPROVED AS TO FORM:

  
\_\_\_\_\_  
L. Stanton Lowry, Town Attorney