

ORDINANCE 2013-21

AN ORDINANCE OF THE CITY OF MEADOWS PLACE, TEXAS, ADDING A NEW SUBSECTION 150.02(K) OF SECTION 150 OF CHAPTER 150 OF THE CODE OF ORDINANCES; ADOPTING WITH AMENDMENTS THE 2012 INTERNATIONAL SWIMMING POOL AND SPA CODE; PROVIDING FOR A PENALTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL; AND PROVIDING AN EFFECTIVE DATE.

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WHEREAS, the City Council of the City of Meadows Place, Texas, (“City”) desires to adopt regulations for the health, safety, and general welfare of the City; and

WHEREAS, a 2012 version of the International Swimming Pool and Spa Code has been published; and

WHEREAS, the City Council finds that adopting the 2012 International Swimming Pool and Spa Code will promote the health, safety, and general welfare of the City;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MEADOWS PLACE, TEXAS:

Section 1. That the facts and recitations found in the preamble to this Ordinance are true and correct and incorporated herein for all purposes.

Section 2. That a new Subsection 150.02(K) of Section 150 of Chapter 150 of the Code of Ordinances of the City of Meadows Place, Texas, is added to provide as follows:

“150.02(K). Adoption of the 2012 International Swimming Pool and Spa Code.

- (1) The city adopts the 2012 International Swimming Pool and Spa Code, published by the International Code Council, with the exception of such sections and subsections thereof as are hereinafter deleted, modified, or amended and the same are hereby adopted and incorporated herein as if the same were copied in full herein, and the provisions thereof shall be building regulations within the corporate limits of the city.
- (2) A copy of the 2012 International Swimming Pool and Spa Code shall be maintained by the city. If any part of this Ordinance is found to be in conflict with a provision of any zoning, building, fire, safety, or health ordinance or any regulation adopted pursuant thereto or any other ordinance or code or regulation of the city, the provision which establishes the higher standard for the promotion of health and safety shall control.

(3) Amendments. The 2012 International Swimming Pool and Spa Code shall be amended to read as follows:

(i) Subsection 101.1 is amended to read as follows: Subsection 101.1 Title. These regulations shall be known as the International Swimming Pool and Spa Code of the City of Meadows Place, Texas, hereinafter referred to as “this code.”

(ii) Sections 103, 104, and 108 are deleted.

(iii) Section 107 is deleted and a new Section 107 is added to read as follows: Section 107 Violations.

107.1 Unlawful acts. It shall be unlawful for a person, entity, firm, or corporation to violate any of the provisions of this code. Any person who violates or causes, allows or permits another to violate any provision of this code shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than five hundred dollars (\$500.00) unless such violation implicates fire safety, zoning, or public health and sanitation including dumping of refuse in which case the fine amount shall not be more than two thousand dollars (\$2,000.00). Each occurrence of any violation of this code shall constitute a separate offense. Each day on which any violation of this code occurs shall constitute a separate offense. In addition to or in lieu of the penalty provided for above, the city attorney may institute any civil or criminal proceeding authorized by law to correct, abate, remove, restrain, or prosecute a violation of this code or to prevent illegal occupancy of a building, structure, improvement, or premises, or to stop an illegal act, conduct, business, or utilization of a building, structure, improvement, or premises.”

Section 3. The city council ratifies any action or inaction of any city officer, official, employee, representative, contractor, or any such similar person or position acting on behalf of or at the request of the city in the enforcement of any prior swimming pool code.

Section 4. *Penalty.* Any person who violates or causes, allows or permits another to violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than five hundred dollars (\$500.00) unless such violation implicates fire safety, zoning, or public health and sanitation including dumping of refuse in which case the fine amount shall not be more than two thousand dollars (\$2,000.00). Each occurrence of any such violation of this Ordinance shall constitute a separate offense. Each day on which any such violation of this Ordinance occurs shall constitute a separate offense.


Section 5. *Severability.* In the event any clause, phrase, provision, sentence or part of this Ordinance or the application of the same to any person or circumstances shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall

not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Meadows Place, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

Section 6. *Repeal.* All ordinances or parts thereof in conflict with this Ordinance are repealed to the extent of such conflict.

Section 7. *Effective date.* This Ordinance shall become effective when published as required by law.

PASSED, APPROVED, and ADOPTED this the 24th day of September, 2013.



Charles Jessup, Mayor

ATTEST:



Jan Moore, City Secretary