

ORDINANCE NO. 2014-25

AN ORDINANCE OF THE CITY OF UVALDE ADOPTING THE 2015 EDITION OF THE *INTERNATIONAL SWIMMING POOL AND SPA CODE*, ADDING CHAPTER 15.78, SWIMMING POOL AND SPA CODE ADOPTED, TITLE 15, BUILDINGS AND CONSTRUCTION, UVALDE CODE OF ORDINANCES, REGULATING AND GOVERNING THE DESIGN, CONSTRUCTION, ALTERATION, MOVEMENT, RENOVATION, REPLACEMENT, REPAIR AND MAINTENANCE OF SWIMMING POOLS, SPAS, HOT TUBS, AQUATIC FACILITIES AND RELATED EQUIPMENT IN THE CITY OF UVALDE; PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES THEREFOR; PROVIDING A PENALTY CLAUSE; PROVIDING AN EFFECTIVE DATE, SAVINGS, AND OPEN MEETINGS CLAUSES; AND PROVIDING FOR RELATED MATTERS.

The City Council of the City of Uvalde does ordain as follows:

Section 1. That a certain document, two (2) copies of which are on file in the office of the Building Official of the City of Uvalde, being marked and designated as the *International Swimming Pool and Spa Code*, 2015 edition, be and is hereby adopted as the Pool and Spa Code of the City of Uvalde, in the State of Texas for regulating and governing the design, construction, alteration, movement, renovation, replacement, repair and maintenance of swimming pools, spas, hot tubs, aquatic facilities and related equipment as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Pool and Spa Code on file in the office of the City Secretary of City of Uvalde, adding new Chapter 15.78, Swimming Pool and Spa Code Adopted, Title 15, Buildings and Construction, Uvalde Code of Ordinances, are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes, if any, prescribed in Section 2 of this ordinance.

Section 2. The following sections are hereby revised:

Section 101.1. Insert: City of Uvalde

Section 105.6.2 Insert: The permit fee shall \$5.00 per \$1,000 valuation.

Section 105.6.3 Insert 50% and 90%

Section 107.4. Insert: \$500

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Section 3. Repeal. That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this law, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

Section 4. Penalty Clause. Any person who shall violate any of the provisions of this ordinance, or shall fail to comply therewith, or with any of the requirements thereof, within the City limits shall be deemed guilty of an offense and shall be liable for a fine not to exceed the sum set out in Section 1.12.010 of this Code. Each day the violation exists shall constitute a separate offense. Proof of a culpable mental state

shall not be required to establish a violation of this ordinance. Such penalty shall be in addition to all the other remedies provided herein.

Section 5. Savings Clause. All rights and remedies of the City of Uvalde are expressly saved as to any and all violations of the provisions of any ordinances affecting parkland which have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

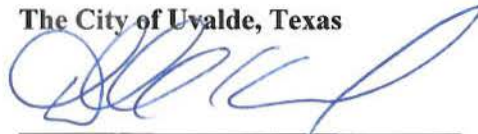
Section 6. Effective Date. This Ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Tex. Loc. Gov't. Code and the City Charter.

Section 7. Severability. It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable and, if any phrase, sentence, paragraph or section of this Ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation into this Ordinance of any such invalid phrase, clause, sentence, paragraph or section. If any provision of this Ordinance shall be adjudged by a court of competent jurisdiction to be invalid, the invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision, and to this end the provisions of this Ordinance are declared to be severable.

Section 8. Open Meetings. It is hereby officially found and determined that the meeting at which this Ordinance is passed was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED on this the 23rd day of September, 2014.

The City of Uvalde, Texas



Don McLaughlin, Jr., Mayor

ATTEST:


Susan Conley, City Secretary