

ORDINANCE NO. 2019-4993

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, REPEALING CHAPTER 34 "SWIMMING POOLS" OF THE CITY OF TEMPLE'S CODE OF ORDINANCES; PROVIDING A REPEALER; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, in a continuing effort to review and update the City's Code of Ordinances, Staff recommends Council repeal Chapter 34 – Swimming Pools of the Code of Ordinances;

Whereas, Chapter 34 adopted the 1985 edition of the Standard Swimming Pool Code, which was published by the Southern Building Code Congress International, Inc., as it existed at the time and as later revised - the last year the Standard Swimming Pool Code was updated was 1999;

Whereas, the Standard Swimming Pool Code regulates the minimum requirements for the design, construction, alteration, repair, and maintenance of swimming pools, spas, and other aquatic facilities - Chapter 34 includes several local amendments to the Standard Swimming Pool Code, including setting a fee schedule for the installation of swimming pools and specifying barrier heights;

Whereas, on May 1, 2019, the Texas Legislature passed House Bill 2858, which amended Chapter 214 of the Texas Local Government Code and adopted the International Swimming Pool and Spa Code (ISPSC) as the uniform swimming pool and spa code for use in municipalities in Texas - the ISPSC applies to all construction, alteration, remodeling, enlargement, and repair of swimming pools and spas in a municipality that elects to regulate pools and spas;

Whereas, the ISPSC is more comprehensive than the Standard Swimming Pool Code and includes up-to-date regulations related to swimming pool and spa construction and safety measures to protect the public health and safety;

Whereas, House Bill 2858 takes effect on September 1, 2020 and municipalities may choose to adopt the ISPSC and make local amendments to this Code prior to the effective date - after September 1, 2020, Chapter 34 of the City's Code would be preempted;

Whereas, Staff recommends moving forward with the adoption of the 2015 International Swimming Pool and Spa Code with local amendments at this time as part of the proposed amendments to Chapter 7 of the City's Code of Ordinances, which is also set for first reading by City Council at this September 5, 2019 Council meeting, and repealing the current swimming pool regulations contained in Chapter 34;

Whereas, as part of the adoption of the 2015 International Swimming Pool and Spa Code in Chapter 7, proposed local amendments include a section allowing City Council to set permit fees by resolution, specifying allowable swimming pool locations and barrier heights, and setting the maximum depth for on-ground residential pools;

Whereas, once repealed, Chapter 34 will be retitled “Chapter 34 – Reserved”; and

Whereas, the City Council has considered the matter and deems it in the public interest to authorize this action.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, THAT:

Part 1: Findings. All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Temple, Texas, and they are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

Part 2: The City Council repeals Chapter 34 – Swimming Pools of the Code of Ordinances.

Part 3: All Ordinances or parts of Ordinances in conflict with the provisions of this ordinance are to the extent of such conflict hereby repealed.

Part 4: 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, clause, 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 and sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation in this Ordinance of any such invalid phrase, clause, sentence, paragraph or section.

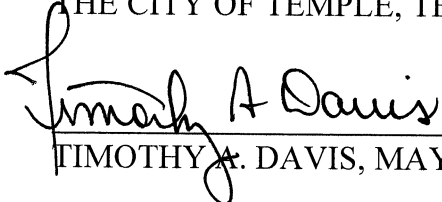
Part 5: This Ordinance shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Temple, Texas, and it is accordingly so ordained.

Part 6: It is hereby officially found and determined that the meeting at which this Ordinance was 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 First Reading and Public Hearing on the 5th day of September, 2019.


PASSED AND APPROVED on Second Reading on the 19th day of September, 2019.

THE CITY OF TEMPLE, TEXAS



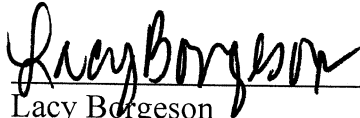
TIMOTHY A. DAVIS, MAYOR

APPROVED AS TO FORM:



Kayla Landeros
Interim City Attorney

ATTEST:



Lacy Borgeson
City Secretary

