

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF MANSFIELD ADOPTING THE 2018 EDITION OF THE INTERNATIONAL SWIMMING POOL AND SPA CODE, AND LOCAL AMENDMENTS; PROVIDING FOR THE MODIFICATION OF THE CODES TO INCORPORATE LOCAL AMENDMENTS; PROVIDING FOR RECORDING OF THE CODES AS A PUBLIC RECORD; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY FOR VIOLATIONS; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN PAMPHLET FORM; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Mansfield is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, the City Council of the City of Mansfield desires to adopt the International Swimming Pool and Spa Code to provide for the safety, health, welfare and protection of the citizens of Mansfield; and

WHEREAS, the City Council of the City of Mansfield desires to provide a mechanism by which local modifications reflecting the unique needs of the City of Mansfield may be made when deemed appropriate.

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

SECTION 1.

The 2018 Edition of the International Swimming Pool and Spa Code is adopted as the official swimming pool and spa code of the City of Mansfield, Texas. This swimming pool and spa code is fully incorporated by reference as though copied into this ordinance in its entirety. The material contained in the International Swimming Pool and Spa Code shall not be included in the formal municipal codification of ordinances but shall be maintained as a public record in the office of the City Secretary and will be available for public inspection and copying during regular business hours.

SECTION 2.

The 2018 Edition of the International Swimming Pool and Spa Code, as adopted is hereby amended as follows and as shown on Exhibit "A" attached hereto.

SECTION 3.

The material contained in Exhibit "A" to this ordinance, although fully adopted and incorporated by reference, shall not be included in the formal municipal codification of ordinances. The material contained in Exhibit "A" shall instead be maintained as a public record in the office of the City Secretary and the Building Official. These exhibits will be available for public inspection and copying during regular business hours. The purpose of maintaining these records separate and apart from the municipal codification is to avoid the inclusion of detailed technical construction materials, subject to frequent change, which would unreasonably lengthen the code.

SECTION 4.

The City of Mansfield may from time to time determine that additional local modifications to the codes adopted herein are necessary and appropriate to meet the unique building needs of the City of Mansfield. To effectuate modifications, the city council may enact individual ordinances amending this ordinance fully setting forth the change to be made in the specific code. Such subsequent amendments shall be consolidated as an exhibit to this ordinance, and shall be maintained as a public record in the office of the city secretary.

SECTION 5.

This Ordinance shall be cumulative of all provisions of ordinances and of the Code of Ordinances of the City of Mansfield, Texas, as amended, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances and such code, in which event the conflicting provisions of such ordinances and such Code are hereby repealed.

SECTION 6.

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining, phrase, clauses, sentences, paragraphs or sections of this Ordinance since the same would have been enacted by the City Council without incorporation in this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 7.

Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this Ordinance shall be fined no more than Two Thousand Dollars (\$2,000.00) for all violations involving zoning, fire safety or public health and sanitation, including dumping of refuse, and shall be fined not more than Five Hundred Dollars (\$500.00) for all other violations of this Ordinance. Each day that a violation is permitted to exist shall constitute a separate offense.

SECTION 8.

All rights and remedies of the City of Mansfield, Texas, are expressly saved as to any and all violations of the provisions of the Swimming Pool and Spa Code or any other ordinances affecting such codes 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 9.

The City Secretary of the City of Mansfield is hereby directed to publish in the official newspaper of the City of Mansfield, the caption, penalty clause, publication clause and effective date clause of this ordinance one (1) time within ten (10) days after the final reading of this ordinance as required by the Charter of the City of Mansfield.

SECTION 10.

The City Secretary of the City of Mansfield is hereby authorized to publish this ordinance in book or pamphlet form for general distribution among the public, and the operative provisions of this ordinance as so published shall be admissible in evidence in all courts without further proof than the production thereof.

SECTION 11.

This Ordinance shall be in full force and effect from and after its passage and publication as provided by law, and it is so ordained.

First reading approved on this _____ day of _____, 2019.

Second reading approved on this _____ day of _____, 2019.

DULY PASSED on the third and final reading by the City Council of the City of Mansfield, Texas, this _____ day of _____, 2019.

David Cook, Mayor

ATTEST:

Susana Marin, City Secretary

APPROVED AS TO FORM AND LEGALITY:

E. Allen Taylor, City Attorney