

ORDINANCE NO. 970

**AN ORDINANCE AMENDING THE JOHNSTON REVISED ORDINANCES OF 2007
BY ADDING A NEW CHAPTER 148 SWIMMING POOL AND SPA CODE**

Be It Enacted by the City Council of the City of Johnston, Iowa that:

Section 1. PURPOSE. The purpose of this ordinance is to create a new Swimming Pool and Spa Code.

Section 2. AMENDMENT. The Code of Ordinances of The City of Johnston, 2007 is hereby amended by adopting a new Chapter 148 Swimming Pool and Spa Code as follows:

CHAPTER 148

SWIMMING POOL AND SPA

148.01 Purpose
159.02 International Swimming Pool and Spa Code Adopted.
159.03 Deletions, Modifications and/or Amendments.

148.01 Purpose.

1. It is the purpose of this chapter to require architects, builders, contractors, property owners, their agents and others, to meet their responsibilities with respect to proper construction, construction techniques, and premises safety and to provide for inspection as a means of compelling compliance therewith. It is not the purpose or intent of this chapter to create any duty on the part of the city, its offices, agents or employees, owing to any individual member of the public or to protect any particular or circumscribed class of persons.
2. Warning. No person shall place reliance upon this chapter, any inspections performed or certificates issued pursuant to this chapter, as indicating the safety of or quality of construction of any particular premises. Neither this chapter nor inspections made pursuant thereto nor certificates issued are intended to assume the duty of any person to adequately construct and maintain a premises or provide a safe premises or to, in any way, indicate a decrease in the risk associated with the use or occupancy of any premises. A certification that a premises has been inspected pursuant to this chapter shall not in any way constitute a warranty or guarantee of the safety or quality of that premises.

148.02 International Swimming Pool and Spa Code Adopted. The 2015 Edition of the International Swimming Pool and Spa Code (ISPSC) and its Appendix B is hereby adopted, except as provided in this chapter, and shall be known as the "Johnston Pool/Spa Code". Copies of the International Swimming Pool and Spa Code 2015 edition are on file in the office of the City Clerk. Exceptions to this code shall be as set out in this chapter.

148.03 Deletions, Modifications and/or Amendments. The following deletions, modifications and/or amendments are made to the International Swimming Pool and Spa Code 2015 Edition (hereinafter known as the ISPSC) as published by the International Code Council.

1. Section 101.1 Title is hereby amended by inserting City of Johnston into [NAME OF JURISDICTION] thereof.
2. Section 105.6.2 Fee Schedule shall be modified by referring to the fee schedule located in Chapter 155 Building Code.
3. Section 105.6.3 Fee refunds is modified by inserting 80% into [Specify Percentage] in subparagraphs 2 and 3 thereof:
4. Section 107.4 Violation penalties is modified by deleting the whole paragraph and inserting the following paragraph thereto:

“Any person who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter or repair a pool, hot tub or spa in violation of the approved construction documents or directive of the Building Official, shall be guilty of failure to comply with this chapter and can be charged double the permit fee as allowed by Chapter 155 or as a municipal infraction and shall be fined according to Chapter 3 of the Johnston Code of Ordinances.”

5. Section 107.5 Stop work orders is hereby modified by deleting “shall be liable to a fine of not less than [AMOUNT] dollars or more than [AMOUNT] dollars” and inserting the following sentence thereto:

“Failure to comply with a Stop Work order is considered a municipal infraction and shall be fined according to Chapter 3 of the Johnston Code of Ordinances.”

6. Section 305.1 General is modified by deleting the exceptions thereof and inserting the following sentence thereto:

“Exception: A barrier may be omitted at the discretion of the Building Official when a pool, hot tub or spa is provided with a safety cover complying with ASTM F 1346.”

7. Section 305.2.1 Barrier height and clearances is modified by deleting all references to “48 inches” and replacing all such references to “6 feet.”
8. Section 305.5 On ground residential pool structure as a barrier is modified by deleting all references to “48 inches” in sub-paragraphs 1 and 2 and replacing all such references to “6 feet.”


Section 3. SEVERABILITY CLAUSE. If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

Section 4. WHEN EFFECTIVE. This ordinance shall be in full effect from and after and after July 1, 2017.

Passed and approved by the City Council this 17th day of April, 2017.


 PAULA S. DIERENFELD, MAYOR

ATTEST:


 CYNDEE RHAMES, CITY CLERK

1st Reading: April 3, 2017
 2nd Reading: April 17, 2017
 3rd Reading: waived
 Passed: April 17, 2017
 Signed: April 17, 2017
 Published: August 22, 2017

ROLL CALL VOTE

	1 st Reading		2 nd Reading		3 rd Reading	
	Aye	Nay	Aye	Nay	Aye	Nay
Brown			X			
Clabaugh			X			
Cope			X		<i>waived</i>	
Lindeman			X			
Temple			X			