

ORDINANCE NO. 2012-39

AN ORDINANCE OF THE CITY OF WYLIE, TEXAS, ADOPTING THE 2012 EDITION OF THE INTERNATIONAL SWIMMING POOL AND SPA CODE; PROVIDING FOR A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; PROVIDING FOR REPEALING, SAVINGS AND SEVERABILITY CLAUSES; PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.

WHEREAS, the City Council has investigated and determined that it would be advantageous and beneficial to the citizens of Wylie to adopt the 2012 Edition of the International Swimming Pool and Spa Code, save and except the deletions and amendments set forth below (the ("2012 International Swimming Pool and Spa Code")).

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

SECTION 1: Findings Incorporated. The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

SECTION 2: Adoption of the 2012 Swimming Pool and Spa Code. The International Swimming Pool and Spa Code, copyrighted by the International Code Council, Inc, attached hereto and incorporated herein for all purposes, is hereby adopted as the Swimming Pool and Spa Code, prescribing regulations applicable to swimming pool and spas and constitutes minimum requirements and standards for swimming pool and spa construction in the city. The 2012 International Swimming Pool and Spa Code is made a part of this Ordinance as if fully set forth herein. One (1) copy of the 2012 International Swimming Pool and Spa Code is on file in the office of the City Secretary of Wylie being marked and designated as the 2012 International Swimming Pool and Spa Code.

SECTION 3: Savings/Repealing Clause. All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict; but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portion of conflicting ordinances shall remain in full force and effect. A reference in any ordinance to an earlier or different version of a swimming pool or spa code is hereby amended to refer to the 2012 International Swimming Pool and Spa Code as it is adopted herein or may be subsequently amended.

SECTION 4: Penalty Provision. Any person, firm, corporation or entity violating this Ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be subject to a fine not to exceed the sum of FIVE HUNDRED AND NO/100 DOLLARS

(\$500.00), unless the violation relates to fire safety, zoning or public health and sanitation, including dumping and refuse, in which the fine shall not exceed the sum of TWO THOUSAND AND NO/100 DOLLARS (\$2,000.00). Each continuing day's violation under this Ordinance shall constitute a separate offense. The penal provisions imposed under this Ordinance shall not preclude Wylie from filing suit to enjoin the violation. Wylie retains all legal rights and remedies available to it pursuant to local, state and federal law.

SECTION 5: Severability. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason, held to be unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. Wylie hereby declares that it would have passed this Ordinance, 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 6: Effective Date. This Ordinance shall be published as required by the City Charter and by law, and shall become effective on February 1, 2013.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF WYLIE, TEXAS, on this 25th day of September, 2012.

Eric Hogue, Mayor

**ATTESTED AND CORRECTLY
RECORDED:**

Carole Ehrlich, City Secretary

Date(s) of Publication: October 3, 2012 in the Wylie News