

There came on for consideration at a duly constituted meeting of the Mayor and Members of the City Council of the City of Gulfport, Mississippi, held on the 2nd day of December, 2014, the following Ordinance:

ORDINANCE NO. 2815

**AN ORDINANCE AMENDING
THE CODE OF ORDINANCES OF THE
CITY OF GULFPORT, MISSISSIPPI, AND ADOPTING THE 2012 EDITION OF
THE *INTERNATIONAL SWIMMING POOL AND SPA CODE***

WHEREAS, building codes regarding and concerning swimming pools and spas have been removed from the International Plumbing Code and moved to a separate, standalone Code, the International Swimming Pool and Spa Code; and

WHEREAS, adoption of the swimming pool and spa code will improve and upgrade the rules and regulations governing the design, construction, alteration, movement, enlargement, replacement, repair, equipment, location, removal and demolition of swimming pools, spas, hot tubs, aquatic facilities and related equipment in the City of Gulfport; provide for the issuance of permits and collection of fees therefor.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GULFPORT, MISSISSIPPI, AS FOLLOWS:

SECTION 1. That a certain document, one (1) copy of which is on file in the office of the Clerk of the City of Gulfport, being marked and designated as the *International Swimming Pool and Spa Code*, 2012 edition, including all Appendices, as published by the International Code Council, be and is hereby adopted as the Swimming Pool and Spa Code of the City of Gulfport, Mississippi, for regulating and governing the construction, alteration, movement, enlargement, replacement, repair, equipment,

location, removal and demolition of swimming pools, spas, hot tubs, aquatic facilities and related equipment; and each and all of the resolutions, provisions, penalties, conditions and terms of said Swimming Pool and Spa Code on file in the office of the City Clerk of the City of Gulfport 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. That the following sections are hereby revised:

Section 101.1. Insert: City of Gulfport, Mississippi

Section 103. Department of Building Safety. Delete in its entirety.

Section 105.6.3. Fee Schedule. Delete in its entirety.

Section 105.6.3. Fee refunds. Insert 100% in two locations.

Section 107.4. Violation penalties. Delete: “[specify offense], punishable by a fine of not more than [amount] dollars or by imprisonment not exceeding [number of days], or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.” Insert in its place: “misdemeanor in accordance with Section 1-9 General Penalty of the Code of Ordinances of the City of Gulfport, MS.”

Section 107.5. Stop Work Orders. Delete in last portion of last sentence in paragraph: “liable to a fine of not less than (amount) dollars or more than (amount) dollars.” Insert in its place: “guilty of a misdemeanor in accordance with Section 1-9 of the code of Ordinances of the City of Gulfport, MS.”

Section 108.1. Application for appeal. Delete “board of appeals” and insert in its place “Construction Board of Adjustment and Appeals (hereinafter “board of appeals”)”.

SECTION 3. 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 ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsection, sentences, clauses and phrases be declared unconstitutional.

SECTION 4. That nothing in this ordinance or in the Swimming Pool and Spa Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance previously adopted or otherwise repealed (i.e., repeal of the 2006 International Plumbing Code or prior editions thereof), nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

SECTION 5. This ordinance shall be in full force and effect January 1, 2015. It shall be published according to law and shall be spread on the minutes of the Gulfport City Council.

The above and foregoing Ordinance, after having been first reduced to writing and read by the Clerk, was introduced by Councilmember Pucheu, seconded by Councilmember Holmes-Hines, and was adopted by the following roll call vote:

YEAS:

Casey

Dombrowski

Holmes-Hines

Walker

Sharp

Flowers

Pucheu

NAYS:

None

ABSENT:

None

WHEREUPON the President declared the motion carried and the Ordinance adopted, this the 2nd day of December, 2014.

(SEAL)

ATTEST:

/s/ Ronda S. Cole

ADOPTED:

/s/ F.B. "Rusty" Walker, IV

CLERK OF THE COUNCIL

PRESIDENT OF THE COUNCIL

The above and foregoing Ordinance having been submitted to and approved by the Mayor, this the 3rd day of December, 2014.

APPROVED:

/s/ Billy Hewes

MAYOR