

ORDINANCE NO. 2017-04-14

AN ORDINANCE OF THE CITY OF LANCASTER, TEXAS, REPEALING THE INTERNATIONAL SWIMMING POOL AND SPA CODE 2012 EDITION IN ITS ENTIRETY AND REPLACING IT WITH THE ADOPTION OF THE INTERNATIONAL SWIMMING POOL AND SPA CODE 2015 EDITION BY ADOPTING CHAPTER 6, BUILDING REGULATIONS, ARTICLE 6.04 TECHNICAL AND CONSTRUCTION CODES AND STANDARDS, DIVISION 11, SWIMMING POOL AND SPA CODE; TO PROVIDE FOR THE AMENDMENTS TO THERETO; PROVIDING A PENALTY OF FINE NOT TO EXCEED TWO THOUSAND DOLLARS (\$2,000.00); PROVIDING FOR SEVERABILITY; PROVIDING A SAVINGS CLAUSE; PROVIDING A REPEALING CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

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

SECTION 1. That Chapter 6 of the Lancaster Code of Ordinances be, and the same is, hereby repealed the International Swimming Pool and Spa Code 2012 in its entirety and replacing it with International Swimming Pool and Spa Code, 2015 Edition, by adopting Chapter 6 Building Regulations, Article 6.04 Technical and Construction Codes and Standards, Division 11, Swimming Pool and Spa Code to provide for the amendments to thereto, which shall read as follows:

“ARTICLE 6.04 TECHNICAL AND CONSTRUCTION CODES AND STANDARDS

....

Division 11. Swimming Pool and Spa Code

Sec. 6.04.501 Adoption

A certain document, a copy of which is on file in the office of the city secretary of the city, being marked and designated as the International Swimming Pool and Spa Code, 2015 edition, including appendix, as published by the International Code Council, be and is hereby adopted as the existing building code of the city. Each and all of the regulations, provisions, penalties, conditions and terms of said existing building code on file in the office of the city are hereby

referred to, adopted, and made a part hereof, as if fully set out in this article, with the additions, insertions, deletions and changes, if any, prescribed in [section 6.04.502](#) of this article.

Sec. 6.04.502. Exceptions and Amendments

The swimming pool and spa code adopted in this article shall be subject to the exceptions and amendments to the International Swimming Pool and Spa Code, 2015 Edition, as follows:

To amend Section 105.6.4 to read as follows:

“105.6.4 Work without a permit.

105.6.5 Investigation. Whenever work for which a permit is required by this code has been commenced without first obtaining a permit, a special investigation shall be made before a permit may be issued for such work.

106.6.6 Fee. An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is subsequently issued. The investigation fee shall be equal to the amount of the permit fee required by this code or the city fee schedule as applicable. The payment of such investigation fee shall not exempt the applicant from compliance with all other provisions of either this code or the technical codes nor from penalty prescribed by law..”

To amend Section 106.7 to read as follows:

“106.7 Unauthorized cover up fee. Any work concealed without first obtaining the required inspection in violation of section 110 shall be assessed a fee as established by the city fee schedule.”

To amend Section 106.8 to read as follows:

“106.8 Plan review fee. A plan review fee shall be assessed at 65% of the building permit fee. Plan review fees shall be paid for at time of permit application and construction plans are submitted for review.”

To amend Section 108 to read as follows:

“Section 108. Board of appeals

(a) Any person directly affected by a decision of the code official or a notice or order issued under this code shall have the right to appeal to the property standards and appeals board, hereinafter referred to as the “board,” provided that a written application for appeal is filed within 20 days after the day the decision, notice or order was served. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted there under

have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means.

(b) Membership, rules and procedures of the board shall be those as determined by the governing body and state law unless otherwise so stated herein.

(1) The board shall consist of five (5) members and (1) alternate member who are qualified by experience, common knowledge, and/or training to pass upon matters of construction and this code. Members shall be residents of the city and shall be appointed by the city council for a term of two years. Alternates appointed shall serve a one-year term. Vacancies shall be filled by appointment for unexpired terms. Any member may be removed from the board by the city council at will.

(2) Postponed hearing. When a quorum of the board is not present to hear an appeal, the hearing will be postponed. A majority of the members (3) shall constitute a quorum of the board. The act of a majority of the members which a quorum is in attendance shall constitute the act of the board unless the act of a greater number is required by law.

(3) Chairman. The board shall annually select one of its members to serve as chairman.

(4) Disqualification of member. A member shall not hear an appeal in which that member has a personal, professional or financial interest.

(c) Notice of meeting. The boards shall meet upon notice from the code official within 20 days of the filing of an appeal, or at stated periodic meetings. Notice of any meeting shall be given to the public in accordance with the requirements of the Texas Open Meetings Act. All meetings shall be conducted in accordance with the Texas Open Meetings Act.

(d) Open hearing. All hearings before the board shall be open to the public. The appellant, the appellant's representative, the code official and any person whose interests are affected shall be given an opportunity to be heard.

(e) Board decision. The board shall, only by a concurring vote of a majority of those present either modify the order of the official by granting an extension of time to make all repairs and improvements necessary to meet code requirements, enforce the recommendation of the official, or reverse the decision of the code official.

(1) Records and copies. The decision of the board shall be recorded. Copies shall be furnished to the appellant and to the code official upon request.

(2) Administration. The code official shall take immediate action in accordance with the decision of the board.

(f) Court review. Any person, whether or not a previous party of the appeal, shall have the right to apply to the appropriate court for a writ of certiorari to correct errors of law. Application for review shall be made in the manner and within 30 days following the decision of the board.

(g) Stays of enforcement. Appeals of notice and orders (other than imminent danger notices) shall stay the enforcement of the notice and order until the appeal is heard by the board.”

SECTION 2. Any person, firm or corporation violating any of the provisions of this ordinance or the provisions of the Code of Ordinances of the City of Lancaster, Texas, as amended hereby, shall be deemed guilty of a misdemeanor and, upon conviction in the municipal court of the City of Lancaster, Texas, shall be subject to a fine not to exceed the sum of Two Thousand (\$2,000.00) dollars for each offense, and each and every day such offense shall continue shall be deemed to constitute a separate offense.


SECTION 3. That all provisions of the Ordinances of the City of Lancaster, Texas, in conflict with the provisions of this ordinance be, and the same are hereby, repealed, and all other provisions of the Ordinances of the City not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 4. That should any word, sentence, paragraph, subdivision, clause, phrase or section of this ordinance, or of the Code of Ordinances, as amended hereby, be adjudged or held to be void or unconstitutional, the same shall not affect the validity of the remaining portions of said ordinance or the Code of Ordinances, as amended hereby, which shall remain in full force and effect.

SECTION 5. That this ordinance shall take effect immediately from and after its passage as the law and charter in such cases provide.

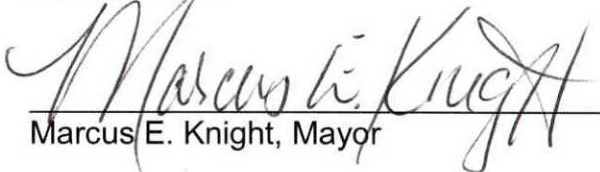
DULY PASSED and approved by the City Council of the City of Lancaster, Texas, this the 10th day of April, 2017.

ATTEST:



Sorangel O. Arenas, City Secretary

APPROVED:



Marcus E. Knight, Mayor

APPROVED AS TO FORM:



Robert E. Hager, City Attorney