

BILL 10738

ORDINANCE 10581

AN ORDINANCE ADOPTING THE 2015 INTERNATIONAL SWIMMING POOL AND SPA CODE, WITH MODIFICATIONS, AS THE SWIMMING POOL AND SPA CODE OF THE CITY OF KIRKWOOD, REGULATING THE DESIGN, CONSTRUCTION, QUALITY OF MATERIALS, ERECTION, INSTALLATION, ALTERATION, REPAIR, LOCATION, RELOCATION, REPLACEMENT, ADDITIONS TO, USE OR MAINTENANCE OF SWIMMING POOLS AND SPAS IN THE CITY OF KIRKWOOD; PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES.

WHEREAS, the ISO has recommended the City update its Building Codes, and

WHEREAS, the Building Commissioner's Office reviewed the latest Building Codes and recommends adoption of the 2015 International Swimming Pool and Spa Code with modification, and

WHEREAS, the Chief of Administrative Officer has approved the recommendation of the Public Services Department to adopt the Swimming Pool and Spa code

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF KIRKWOOD, MISSOURI, as follows:

SECTION 1. That Kirkwood Code of Ordinances is hereby amended by inserting Section 5-6(b) as follows:

“Section 5-6(b) Swimming Pool and Spa Code_ The provisions of the “2015 Swimming Pool and Spa Code” as modified, is hereby adopted as the City of Kirkwood Swimming Pool and Spa Code. See separate publication and adopting modification ordinance on file in the office of the City Clerk.”

SECTION 2. That a certain document, which is on file in the office of the City Clerk, being marked and designated as the 2015 Swimming Pool and Spa Code, as published by the International Code Council, Inc , be and is hereby adopted as the Swimming Pool and Spa Code of the City of Kirkwood, Missouri, and all of the regulations, provisions, penalties, conditions, and terms of the 2015 Swimming Pool and Spa Code, 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, prescribed in this ordinance.

SECTION 3. That throughout the 2015 International Swimming Pool and Spa Code, wherever the term “jurisdiction” is used, it is deemed to mean City of Kirkwood, and wherever the expression “Code Official” is used, it is deemed to mean the Building Commissioner.

SECTION 4 That the 2015 International Swimming Pool and Spa Code is amended by additions, deletions and changes including of articles, chapters, sections, subsections, and subsection titles and the addition of new sections and subsections so that such amended and added articles, sections and subsections shall read as follows

Each section, subsection or clause of the Code that numerically corresponds to one of the following numbered provisions is hereby deleted, or amended, as set forth below Each provision set out below without a corresponding section, subsection or clause number in the Code is hereby enacted and added thereto.

Chapter 1 Scope and Administration

Section 101.1 – Amended to read as follows; Title: These regulations shall be known as the Swimming Pool and Spa Code of the City of Kirkwood, hereinafter referred to the “this Code”.

Section 105.6.2 Amended to read as follows; Fee Schedule: Fees shall be established as prescribed in Chapter 5, Article VI of the Code of Ordinances of the City of Kirkwood

Section 105.6.3 – Delete in its entirety

Section 107.4 – Amend to read as follows, Violations Penalties: Any person, firm or corporation who shall violate any provision of this ordinance, or who shall fail to comply with any of the requirements thereof, or who shall erect, construct, alter or repair a structure in violation of an approved plan or directive of the Code official, or of a permit or certificate issued under the provisions of the ordinance, or shall start any work requiring a permit without first obtaining a permit therefore, or who shall continue any work in or about a structure after having been served s stop work order, except for such work which that person, firm or corporation has been directed to perform to remove a violation or unsafe condition, or any owner or tenant of a building or premises or any other person who commits, takes part or assists in any violation of this Code or who maintains any building or premises in which such violation shall exist, shall be guilty of a misdemeanor punishable by a fine as prescribed in Section 1.8 of the Code of Ordinances of the City of Kirkwood

Section 107.5 - Amend last sentence of Stop Work Orders to read “Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be guilty of a misdemeanor punishable by a fine as prescribed in Section 1.8 of the Code of Ordinance of the City of Kirkwood”.

Section 108.1 is amended to read as follows: Appeals. The owner of a building or structure or any other person having interest in said building or structure may appeal from a decision of the code official to the Board of Appeals appointed under the provisions of the Kirkwood Building Code , Chapter 1- Scope and Administration, Section 113- Board of Appeals

Application for appeal may be made when it is claimed that the true content of this code has been incorrectly interpreted, the provisions of this code do not fully apply, or an equally good or better form of installation or construction can be used

Sections 108.2 – through - 108.7 - Delete in their entirety

SECTION 5. That nothing in this ordinance or in the code hereby adopted shall be construed to affect any suit or proceeding pending 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 hereby repealed, as cited herein; nor shall any just or legal right or remedy or any character be lost, impaired, or affected by this ordinance

SECTION 6 If any section, subsection, provision, sentence, clause or phrase of this ordinance or of the 2015 International Swimming Pool and Spa Code is for any reasons held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this ordinance or of said Code, and the City of Kirkwood hereby declares that it would have passed the same, even though such portion so held to be unconstitutional had not been included therein, and to this end the provisions of this ordinance declared to be severable.

SECTION 7. This ordinance shall be in full force and effect after its passage and approval, as provided by law.

PASSED AND APPROVED THIS 4TH DAY OF APRIL 2019



Mayor, City of Kirkwood, Missouri

ATTEST:



City Clerk

City Clerk

1st Reading: March 21, 2019

2nd Reading: April 4, 2019