

SECTION 12:

Four new sections, Sections 500.550, 500.560, 500.570, and 500.580, in a new Article XV of Chapter 500 of Title V of the code of Ordinances of the City of O'Fallon, Missouri, to read as follows:

TITLE V. BUILDING AND CONSTRUCTION

CHAPTER 500: BUILDING REGULATIONS

ARTICLE XI: INTERNATIONAL SWIMMING POOL AND SPA CODE

SECTION 500.550: ADOPTION OF SWIMMING POOL AND SPA CODE

That certain document, a copy which is on file in the office of the City Clerk of the City of O'Fallon, Missouri being marked and designated as the International Swimming Pool and Spa Code, 2015 edition, as published by the International Code Council, be and is hereby adopted as the International Swimming Pool and Spa Code of the City of O'Fallon, in the State of Missouri, for regulating and governing new and existing aquatic vessels and their associated systems as herein provided; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, conditions and terms of said Swimming Pool and Spa Code on file in the office of the City Clerk of the City of O'Fallon, Missouri, 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 500.560 of this article.

SECTION 500.560: ADDITIONS, INSERTIONS AND CHANGES

The following numbered subsections of the International Building Code, 2015 Edition, as published by the International Code Council, Inc., are hereby amended by additions, insertions, deletions and changes so that such section and subsections read as follows:

(CHAPTER 1 SCOPE AND ADMINISTRATION)

(SECTION 101 GENERAL)

101.1 Title. These regulations shall be known as the Swimming Pool and Spa Code of the City of O'Fallon, Missouri, hereinafter referred to as "this code."

(SECTION 103 DEPARTMENT OF INSPECTION)

103.1 General. The Department of inspection is hereby created and the executive official in charge thereof shall be known as the building official. Where the term "code official" is used in this code, it shall mean the Building Official or his/her appointee.

103.2 Appointment. The building official shall be appointed as provided by ordinance.

(SECTION 105 PERMITS)

105.6.2 Fee schedule. Fees related to administration of this Code shall be as set forth elsewhere in this Chapter of the Municipal Code.

105.6.3 Fee refunds. Delete this section in its entirety.

(SECTION 106 INSPECTIONS)

106.90 Workmanship. Repairs, maintenance work, alterations or installations which are caused directly or indirectly by the enforcement of this Code shall be executed and installed in a workmanlike manner in compliance with this Code, in accordance with industry standards, and in accordance with the manufacturer's installation instructions.

(SECTION 107 VIOLATIONS)

107.4 Violation penalties. Any person, firm or corporation who violates any provisions of this Ordinance, or fails to comply with any of the requirements thereof, or erects, constructs, alters or repair a structure in violation of an approved plan or directive of the Building Official, or of a permit or certificate issued under the provisions of this Ordinance or previous ordinance, or who shall continue any work in our about a structure after having been served a stop work order, except such work as that person is directed to perform to remove a violation or unsafe conditions, or any owner or tenant of a building or premises in which such violation shall exist, shall upon conviction thereof be punishable by a fine of not more than \$500.00 dollars or by imprisonment not exceeding 90 days, or by both such fine and imprisonment. Each day that a violation continues shall be deemed a separate offense.

107.5 Stop work orders. Upon notice from the code official that work is being performed contrary to the provisions of this code or in a dangerous or unsafe manner, such work shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, the owner's authorized agent, or the person doing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work on the system 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 liable for a fine of not less than \$100.00 dollars or more than \$500.00 dollars.

107.5.90 Unlawful continuance: 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 conditions, shall be liable to penalties as specified in Section 108.4 of this Ordinance.

(SECTION 108 MEANS OF APPEAL)

108.1 Application for appeal. For the purposes of this code, all appeals shall be in accordance with the procedure established for the Building Code of the City of O'Fallon, Missouri.

108.2 Membership of board. Delete in its entirety.

108.2.1 Qualifications. Delete in its entirety.

108.2.2 Alternate members. Delete in its entirety.

108.2.3 Chairman. Delete in its entirety.

108.2.4 Disqualification of member. Delete in its entirety.

108.2.5 Secretary. Delete in its entirety.

108.2.6 Compensation of members. Delete in its entirety.

108.3 Notice of meeting. Delete in its entirety.

108.4 Open hearing. Delete in its entirety.

108.4.1 Procedure. Delete in its entirety.

108.5 Postponed hearing. Delete in its entirety.

108.6 Board decision. Delete in its entirety.

108.6.1 Resolution. Delete in its entirety.

108.6.2 Administration. Delete in its entirety.

108.7 Court review. Delete in its entirety.

(CHAPTER 3 GENERAL COMPLIANCE)

(SECTION 305 BARRIER REQUIREMENTS)

305.2 Outdoor swimming pools and spas. Outdoor pools and spas and indoor swimming pools shall be surrounded by a barrier that complies with Sections 305.2.1 through 305.7.

Exception: Where a pool with a chain link fence, a minimum of 42 inches in height, was erected prior to April 5, 1999, the fence shall be allowed to remain as an approved barrier.

305.2.4 Mesh fence as a barrier. Delete in its entirety.

SECTION 500.570: SAVING CLAUSE AND VALIDITY

C. Nothing in this Article 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 hereby repealed; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Article.

D. If any Section, Subsection, sentence, clause or phrase of this Article is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Article. The City of

O'Fallon, Missouri, hereby declares that it would have passed this Article, and each Section, Subsection, clause or phrase thereof, irrespective of the fact that any one (1) or more Sections, Subsections, sentences, clauses and phrases be declared unconstitutional.

SECTION 500.580: PENALTY

Any person, firm, or corporation violating any of the provisions of this Article or the code hereby adopted shall, upon conviction, for each offense be fined not more than five hundred dollars (\$500.00) or be punished by imprisonment in jail not to exceed three (3) months, or be punished by both fine and imprisonment. Each day's violation of, or refusal or neglect to comply with, any provision of this Article or the code hereby adopted shall constitute a separate and distinct offense.

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