

O-2023-14

AN ORDINANCE

AN ORDINANCE REPEALING AND REENACTING CHAPTER 14.03 OF TITLE 14 OF THE LAKEWOOD MUNICIPAL CODE, ADOPTING BY REFERENCE THE 2021 EDITION OF THE INTERNATIONAL CODE COUNCIL'S INTERNATIONAL SWIMMING POOL AND SPA CODE, WITH DELETIONS AND AMENDMENTS AS SET FORTH BELOW, AND ESTABLISHING PENALTIES FOR VIOLATION THEREOF

WHEREAS, Public Works Department Staff, including the Building Official and City Engineer, have presented for adoption by reference the 2021 International Swimming Pool and Spa Code, including amendments and modifications thereto, to replace the current versions thereof;

WHEREAS, the City of Lakewood Board of Appeals was established by Lakewood Municipal Code section 14.12.010 and charged with reviewing proposed additions, changes or amendments to the City's building codes and to make recommendations to the City Council with respect to the adoption thereof;

WHEREAS, the Board of Appeals has reviewed, considered and recommended for adoption the 2021 edition of the International Swimming Pool and Spa Code, including the amendments and modifications set forth herein;

WHEREAS, approval of this ordinance on first reading is intended only to confirm that the City Council desires to comply with the Lakewood Municipal Code by setting a public hearing to provide City staff and the public an opportunity to present evidence and testimony regarding the proposal; and

WHEREAS, approval of this ordinance on first reading does not constitute a representation that the City Council, or any member of the City Council, supports, approves, rejects or denies the proposal.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Lakewood, Colorado, that:

SECTION 1. Chapter 14.03 of the Lakewood Municipal Code is repealed and reenacted as follows:

14.03.010 International Swimming Pool and Spa Code, 2021 Edition, adopted by reference, generally.

In accordance with Colorado Revised Statutes Section 31-16-201, *et seq.*, and the Lakewood City Charter, the International Swimming Pool and Spa Code of the International Code Council, 2021 Edition, hereinafter "International Swimming Pool and Spa Code", is hereby adopted by reference, subject to the deletions, amendments and additions contained herein.

14.03.020 Purpose of the International Swimming Pool and Spa Code.

The purpose of the International Swimming Pool and Spa Code is to establish the minimum requirements to provide a reasonable level of safety and protection of health, property, and public welfare by regulating and controlling the design, construction, installation, quality of materials, location, operation, and maintenance of all swimming pools and spas within the City of Lakewood and certain equipment specifically regulated by codes.

14.03.030 Local amendments to certain provisions of the International Swimming Pool and Spa Code.

Certain provisions of the International Swimming Pool and Spa Code, as indicated in this section, are hereby amended.

A. The provisions of Chapter 1 shall include the following amendments:

1. Subsection 101.1 is deleted.

2. Section 103 is deleted.

3. Section 108 is replaced with the following:

108 Fees. Fees and valuation for permits required by this Code shall be as specified in Section 14.01.060 of the Lakewood Municipal Code.

4. Section 111 is replaced with the following:

111 Board of Appeals. Persons aggrieved under this Chapter 14.03 shall file an appeal with the Board of Appeals of the City of Lakewood as provided in Chapter 14.12 of the Lakewood Municipal Code.

14.03.040 – Penalties for violations of the International Swimming Pool and Spa Code.

A. Any person who violates any of the provisions of the code adopted by this chapter or fails to comply therewith, or who violates or fails to comply with any order made thereunder, or who builds in violation of any detailed statement of specifications or plans submitted and approved thereunder or any certificate or permit issued thereunder, and from which no appeal has been taken, or who fails to comply with such an order, as affirmed or modified by the Board of Appeals or by a court of competent jurisdiction, within the time fixed in this title, shall severally for each and every violation and noncompliance respectively, be subject to the penalties set forth in Section 1.16.020 of the Lakewood Municipal Code. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue, and all such persons shall be required to correct or remedy such violations or deficits within a reasonable time, and when not otherwise specified, each day that prohibited conditions are maintained shall constitute a separate offense.

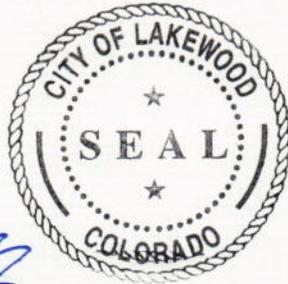
B. The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

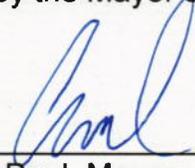
SECTION 2. All provisions of Title 14 of the Lakewood Municipal Code not expressly amended hereby shall remain unaltered by this Ordinance and in full force and effect.

SECTION 3. This ordinance shall take effect thirty (30) days after final publication.

SECTION 4. If any provision of this ordinance should be found by a court of competent jurisdiction to be invalid, such invalidity shall not affect the remaining portions or applications of this ordinance that can be given effect without the invalid portion, provided that such remaining portions or application of this ordinance are not determined by the court to be inoperable.

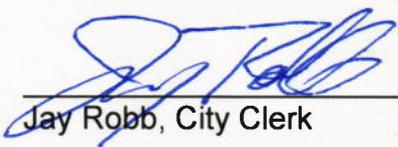
I hereby attest and certify that the within and foregoing ordinance was introduced and read on first reading at a hybrid regular meeting of the Lakewood City Council on the 24th day of April, 2023; published by title in the Denver Post and in full on the City of Lakewood's website, www.lakewood.org, on the 27th day of April, 2023; set for public hearing to be held on the 8th day of May, 2023, read, finally passed and adopted by the City Council on the 8th day of May, 2023 and, signed by the Mayor on the 9th day of May, 2023.





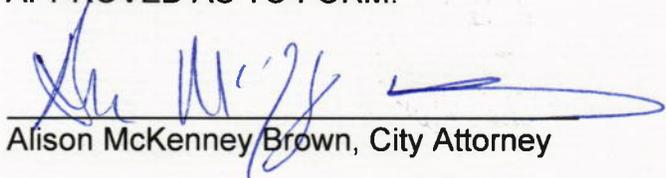
Adam Paul, Mayor

ATTEST:



Jay Robb, City Clerk

APPROVED AS TO FORM:



Alison McKenney Brown, City Attorney