

ORDINANCE NO. _____

LEAWOOD, 2000, INCORPORATING BY REFERENCE THE INTERNATIONAL SWIMMING POOL AND SPA CODE, 2018 EDITION, SAVE AND EXCEPT SUCH ARTICLES, SECTIONS, PARTS OR PORTIONS WHICH ARE OMITTED, DELETED, MODIFIED, CHANGED, OR ADDED, AND REPEALING EXISTING ARTICLE 10, AND OTHER SECTIONS IN CONFLICT HEREWITH.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF LEAWOOD, KANSAS:

SECTION ONE: That Section 4-1001 of the Code of the City of Leawood, Kansas, 2000, is hereby added to read as follows:

4-1001. INTERNATIONAL SWIMMING POOL AND SPA CODE ADOPTED. There is hereby incorporated by reference that certain code known as the International Swimming Pool and Spa Code, 2018 edition, [hereafter "ISPSC"] prepared and published in book form by the International Code Council, Inc., except such articles, sections, parts or portions as are hereafter omitted, deleted, modified or changed or added thereto, such incorporation being authorized by K.S.A. § 12-3009 through 12-3012, as amended. At least one copy of said Code shall be marked or stamped "Official copy as incorporated by Ordinance No. _____," with all sections or portions thereof intended to be omitted or changed clearly marked to show any such omission or change and to which shall be attached a copy of this ordinance, and filed with the City Clerk to be open to inspection and available to the public at all reasonable hours.
(Ord. 2298C; 02-04-08)

SECTION TWO: That Section 4-1002 of the Code of the City of Leawood, Kansas, 2000, is hereby added to read as follows:

4-1002 INTERNATIONAL SWIMMING POOL AND SPA CODE, SECTION 101.1. TITLE. Section 101.1 of the ISPSC is hereby amended to read as follows: **Title.** These regulations shall be known and referred to as this code, the ISPSC, or the Swimming Pool and Spa Code of the City of Leawood, Kansas.

SECTION THREE: That Section 4-1003 of the Code of the City of Leawood, Kansas, 2000, is hereby added to read as follows:

4-1003 INTERNATIONAL SWIMMING POOL AND SPA CODE, DELETIONS. The following provisions of the ISPSC are hereby deleted and omitted:
(a) All of Section 105 Permits
(b) All of Section 106 Inspections
(c) All of Section 107 Violations
(d) All of Section 108 Means of Appeal
See 4-201 et seq.

SECTION FOUR: That Section 4-1004 of the Code of the City of Leawood, Kansas, 2000, is hereby added to read as follows:

4-1004 INTERNATIONAL SWIMMING POOL AND SPA CODE, SECTION 305.1. GENERAL. Section 305.1 of the ISPSC is hereby amended to read as follows:

General. The provisions of this section shall apply to the design of barriers for restricting entry into areas having pools or spas.

SECTION FIVE: That Section 4-1005 of the Code of the City of Leawood, Kansas, 2000, is hereby added to read as follows:

4-1005 INTERNATIONAL SWIMMING POOL AND SPA CODE, SECTION 305.2.5. CLOSELY SPACED HORIZONTAL MEMBERS. Section 305.2.5 of the ISPSC is hereby amended to read as follows: **Closely spaced horizontal members.** Where the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members is less than 44 inches, the horizontal members shall be located on the pool or spa side of the fence. Spacing between vertical members shall not exceed 1 ¾ inches in width. Where there are decorative cutouts within vertical members, spacing within the cutouts shall not exceed 1 ¾ inches in width.

SECTION SIX: That Section 4-1006 of the Code of the City of Leawood, Kansas, 2000, is hereby added to read as follows:

4-1006 INTERNATIONAL SWIMMING POOL AND SPA CODE, SECTION 305.2.6. WIDELY SPACED HORIZONTAL MEMBERS. Section 305.2.6 of the ISPSC is hereby amended to read as follows: **Widely spaced horizontal members.** Where the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members is 44 inches or more, spacing between vertical members shall not exceed 4 inches. Where there are decorative cutouts within vertical members, the interior width of the cutouts shall not exceed 1 ¾ inches.

EXCEPTIONS:

1. Where a lockable safety cover is provided for the spa in accordance with ASTM F 1346, the distance between the tops of the horizontal members is permitted to be no less than 32 inches.
2. Where the swimming pool is equipped with a powered safety cover that complies with ASTM F1346, the distance between the tops of the horizontal members is permitted to be no less than 32 inches.

SECTION SEVEN: That Section 4-1007 of the Code of the City of Leawood, Kansas, 2000, is hereby added to read as follows:

4-1007 INTERNATIONAL SWIMMING POOL AND SPA CODE, SECTION 305.4. STRUCTURE WALL AS A BARRIER. Section 305.4 is hereby amended to read as follows: **Structure wall as a barrier.** Where a wall of a dwelling or structure serves as part of the barrier, doors that provide direct access to the aquatic vessel through the wall, shall be equipped with one or more of the following:

1. An alarm that produces an audible warning when the door is opened.
2. A safety cover that is listed and labeled in accordance with ASTM F 1346 is provided for pools and spas.
3. Another approved means of protection, such as self-closing doors with self-latching devices, provided that the degree of protection afforded is not less than the protection afforded by Items 1 or 2.

SECTION EIGHT: This ordinance shall be construed as follows:

A. **Liberal Construction.** The provisions of this Ordinance shall be liberally construed to effectively carry out its purposes which are hereby found and declared to be in furtherance of the public health, safety, welfare, and convenience.

B. **Savings Clause.** The repeal of articles and sections, as provided herein below shall not affect any rights acquired, fees, fines, penalties, forfeitures or liabilities incurred there under, or actions involving any of the provisions of said Ordinances or parts thereof. Said Ordinance repealed is hereby continued in force and effect after the passage, approval, and publications of this Ordinance for the purposes of such rights, fees, fines, penalties, forfeitures, liabilities and actions therefore.

C. **Invalidity.** If for any reason any chapter, article, section, subsection, sentence, portion or part of this proposed Ordinance set out herein, or the application thereof to any person or circumstances is declared to be unconstitutional or invalid, such decision will not affect the validity of the remaining portions of this Code or other Ordinances.

SECTION NINE: That existing Article 10 of Chapter 4 and any provisions in conflict herewith are hereby repealed.

SECTION TEN: This ordinance shall become effective on May 1, 2020, following adoption and publication in accordance with K.S.A. 12-3007 and amendments thereto.

PASSED by the Governing Body this 21st day of January, 2020.

APPROVED by the Mayor this 21st day of January, 2020.

[SEAL]

Peggy Dunn, Mayor

ATTEST:

Kelly L. Varner, City Clerk

APPROVED AS TO FORM:

Patricia A. Bennett, City Attorney