ORDINANCE NO. 6360

AN ORDINANCE TO AMEND CHAPTER 4.26 "SWIMMING POOLS AND SPAS" OF THE 2015 MUNICIPAL CODE OF COUNCIL BLUFFS, IOWA, BY REPEALING EXISTING SECTIONS 4.26.010 THROUGH 4.26.030.

BE IT ORDAINED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA

SECTION 1. That Chapter 4.26 "Swimming Pools and Spas" of the 2015 Municipal Code of Council Bluffs, Iowa, is hereby amended by repealing existing Sections 4.26.010 through 4.26.030 as follows:

~~4.26.010 - Adoption by reference.~~
~~Public Health Department [641]—Chapter 15 "Swimming Pools and Spas" of the Iowa Administrative Code, a copy of which is now on file in the office of the city clerk of the city of Council Bluffs, Iowa, is adopted by the city of Council Bluffs.~~

~~4.26.020 - Enforcement authority.~~
~~The Council Bluffs health department is authorized to enforce the provisions of 641—Chapter 15 "Swimming Pools and Spas" of the Iowa Administrative Code as adopted in Section 4.26.010, and the director of the Council Bluffs health department or his/her authorized designee shall have the power to issue police citations for violations thereof, and the provisions of this chapter. These citations shall be issued pursuant to the procedures set out in Sections 805.1 through 805.4 of the State Code of Iowa.~~

~~4.26.030 - Penalty.~~
~~Any person found guilty of a violation of any of the provisions of this chapter shall, upon conviction, be subject to the penalty provisions of Section 8.02.020 of this code. Each day that a violation is allowed to continue shall constitute a separate and distinct violation. At the discretion of the city attorney, any violation of the provisions of this chapter may be pursued as a municipal infraction according to the terms of Chapter 1.95 in lieu of criminal prosecution.~~

SECTION 2. REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 3. SEVERABILITY CLAUSE. If any of the provisions of this ordinance are for any reason declared illegal or void, then the lawful provisions of this ordinance which are severable from said unlawful provisions shall be and remain in full force and effect, the same as if the ordinance contained no illegal or void provisions.

SECTION 4. EFFECTIVE DATE. This ordinance shall be in full force and effect from and after its final passage and publication, as by law provided.

PASSED
AND October 22, 2018.
APPROVED

_____
MATTHEW J. WALSH Mayor

Attest: _____
JODI QUAKENBUSH City Clerk

First Consideration: 10-8-18
Second Consideration: 10-22-18
Public Hearing: N/A
Third Consideration: _____