

**ORDINANCE NO. 19-35**

**AN ORDINANCE PERTAINING TO THE OLATHE SWIMMING POOL AND SPA CODE; ADDING SECTIONS 15.20.031 AND 15.20.065; AMENDING OLATHE MUNICIPAL CODE SECTIONS 15.20.010, 15.20.020, 15.20.040, 15.20.060, 15.20.070, AND 15.20.080 AND REPEALING THE EXISTING SECTIONS.**

**BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF OLATHE, KANSAS:**

**SECTION ONE:** Section 15.20.010 of the Olathe Municipal Code is hereby amended to read as follows:

**“15.20.010 Code Adopted.**

The ~~2012~~ [2018](#) International Swimming Pool and Spa Code, published by the International Code Council, Inc., 4051 West Flossmoor Road, Country Club Hills, Illinois 60478-~~5795~~ is adopted by reference and made a part of this chapter as if fully set out, save and except such parts or portions thereof as are specifically deleted, added or changed in Sections 15.20.030 through and including 15.20.110.”

**SECTION TWO:** Section 15.20.020 of the Olathe Municipal Code is hereby amended to read as follows:

**“15.20.020 Marked Copies of Code on File.**

There shall be not less than one (1) copy of the code adopted by reference in Section 15.20.010 kept on file in the office of the City Clerk, to which shall be attached a copy of the incorporating ordinance, and which shall be marked or stamped, “Official Copy as Incorporated by Ordinance No. ~~42-49~~ [19-35](#) with all sections or portions thereof intended to be omitted clearly marked to show any such deletion or change, and filed with the City Clerk and open to inspection and available to the public at all reasonable hours. ~~The Fire Department, Municipal Judges and all administrative departments of the City charged with the enforcement of the incorporating ordinance shall be supplied, at the cost of the City, such number of official copies of such standard ordinance similarly marked, deleted and changed as may be deemed expedient.”~~

**SECTION THREE:** Section 15.20.031 is hereby added to the Olathe Municipal Code and shall read as follows:

**[“15.20.031 Section 101.1 Amended – Title](#)**

[Section 101.1 of the International Swimming Pool and Spa Code is hereby amended and shall read as follows:](#)

[\[A\] 101.1 Title. The 2018 International Swimming Pool and Spa Code and the deletions, changes, and additions contained in the Olathe Municipal Code, Chapter 15.20 shall be known as the Swimming Pool and Spa Code of the City of Olathe, Kansas, hereinafter referred to as “this code” or “the Pool Code.”](#)

**SECTION FOUR:** Section 15.20.040 of the Olathe Municipal Code is hereby amended to read as follows:

**“15.20.040 Section 101.5 Added – Administration.**

Section 101.5 is hereby added to the International Swimming Pool and Spa Code and shall read as follows:

**101.5 Administration.** The administrative and enforcement provisions for this code shall be those provisions of Chapter 1 of the ~~2012~~ International Building Code as adopted by the City in accordance with Chapter 15.02 of the Olathe Municipal Code.”

**SECTION FIVE:** Section 15.20.060 of the Olathe Municipal Code is hereby amended to read as follows:

**“15.20.060 Subsection 305.2.1 Amended – Barrier height and clearances.**

Subsection 305.2.1 of the International Swimming Pool and Spa Code is hereby amended to read as follows:

**305.2.1 Barrier heights and clearances.** Barrier heights and clearances shall be in accordance with all of the following:

1. Every semi-public or public swimming pool built shall be surrounded by a fence at least six (6) feet height. The type of fence material and the location of the fence shall be approved by the Building Official.

2. The top of the barrier for pools constructed on lots of buildings governed by the International Residential Code shall be not less than forty-eight (48) inches above grade. All other barriers shall be not less than seventy-two (72) inches above grade where measured on the side of the barrier that faces away from the ~~aquatic vessel~~ pool or spa. Such height shall exist around the entire perimeter of the ~~vessel~~ barrier and for a distance of ~~3 feet~~ where thirty-six (36) inches measured horizontally from the outside of the required barrier.

3. The vertical clearance between grade and the bottom of the barrier shall not exceed two (2) inches ~~(51 mm)~~ for grade surfaces that are not solid, such as grass or gravel, where measured on the side of the barrier that faces away from the ~~vessel~~ pool or spa.

4. The vertical clearance between a surface below the barrier to a solid surface, such as concrete, and the bottom of the required barrier shall not exceed four (4) inches (102 mm) where measured on the side of the required barrier that faces away from the ~~vessel~~pool or spa.

5. Where the top of the ~~vessel~~pool or spa structure is above grade, the barrier shall be installed on grade or shall be mounted on top of the ~~vessel~~pool or spa structure. Where the barrier is mounted on the top of the ~~vessel~~pool or spa, the vertical clearance between the top of the ~~vessel~~pool or spa and the bottom of the barrier shall not exceed four (4) inches (102 mm).”

**SECTION SIX:** Section 15.20.065 is hereby added to the Olathe Municipal Code and shall read as follows:

**“15.20.065 Section 305.4 Amended – Structure wall as a barrier.**

Section 305.4 of the International Pool and Spa Code is hereby amended and shall read as follows.

**305.4 Structure wall as a barrier.** Where a wall of a dwelling or structure serves as part of the barrier and where doors or windows provide direct access to the pool or spa through that wall, one of the following shall be required:

1. For one- and two-family dwellings, operable basement and grade level windows having a lock height of less than forty-eight (48)-inches above the indoor finished floor and all doors shall have a whole house security system, or other approved alarm that produces an audible warning when the window or door is opened.

2. In other than one- and two-family dwellings, operable windows having a sill height of less than forty-eight (48) inches above the indoor finished floor and doors shall have an alarm that produces an audible warning when the window, door or their screens are opened. The alarm shall be listed and labeled as a water hazard entrance alarm in accordance with UL 2017. In dwellings or structures not required to be Accessible units, Type A units or Type B units, the operable parts of the alarm deactivation switches shall be located fifty-four (54) inches or more above the finished floor. In dwellings or structures required to be Accessible units, Type A units or Type B units, the operable parts of the alarm deactivation switches shall be located not greater than fifty-four (54) inches and not less than forty-eight (48) inches above the finished floor.

3. A safety cover that is listed and labeled in accordance with ASTM F1346 is installed for the pools and spas.

4. An approved means of protection, such as self-closing doors with self-latching devices, is provided. Such means of protection shall provide a degree of protection that is not less than the protection afforded by Item 1, 2 or 3 as applicable.”

**SECTION SEVEN:** Section 15.20.070 of the Olathe Municipal Code is hereby amended to read as follows:

**“15.20.070 Subsection 321.1.1 Added – ~~Maintenance~~ or Lighting operation.**

Subsection 321.1.1 is hereby added to the International Swimming Pool and Spa Code and shall read as follows:

**321.1.1 ~~Maintenance~~ or Lighting operation.** No artificial lighting shall be maintained or operated in connection with any swimming pool herein authorized in such manner as to be a nuisance or annoyance to the neighboring properties.”

**SECTION EIGHT:** Section 15.20.080 of the Olathe Municipal Code is hereby amended to read as follows:

**“15.20.080 Section 401.1 Amended – Public swimming pools.**

Section 401.1 of the International Swimming Pool and Spa Code is hereby amended to read as follows:

**401.1 Public swimming pools.** The provisions of this chapter shall apply to public swimming pools. Public swimming pools covered in this chapter include Class A, Class B, Class C, ~~and~~ Class E, and Class F pools.

**401.1.1 Lifeguard required.** All semi-public or public pools which make a charge for membership, admission, season ticket or for training shall provide a sufficiently skilled individual to act as lifeguard and supervisor at all times.

**401.1.2 Hours of operation.** All semi-public or public swimming pools shall not operate or be used between the hours of 10:30 PM and 6:00 AM.

**401.1.3 Operation as a nuisance prohibited.** All swimming pools herein authorized shall be used, maintained and operated in a manner that shall not constitute a public nuisance in the neighborhood where operated, and any continued infringement thereof or unreasonable noises shall constitute a public nuisance.

**401.1.4 Safety equipment – inspection.** Each pool, whether private, semi-public or public shall furnish safety equipment as may be

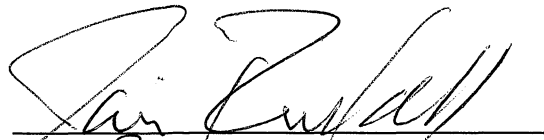
required by the State Board of Health or the Code Official. All pools may be inspected by the City.”

**SECTION NINE:** Existing sections 15.20.010, 15.20.020, 15.20.040, 15.20.060, 15.20.070, and 15.20.080 are hereby repealed.

**SECTION TEN:** This Ordinance shall be published as provided by law and shall take effect September 1, 2019 and be in force from and after that date.

**PASSED** by the Governing Body this 18<sup>th</sup> day of June, 2019.

**SIGNED** by the Mayor this 18<sup>th</sup> day of June, 2019.

  
\_\_\_\_\_  
Mayor Pro Tem


ATTEST:

  
\_\_\_\_\_  
City Clerk

(SEAL)



APPROVED AS TO FORM:

  
\_\_\_\_\_  
City Attorney

Publish one time and return one Proof of Publication to the City Clerk and one to the City Attorney.

STATE OF KANSAS  
JOHNSON COUNTY, SS

Brandon Humble, being first duly sworn, deposes and says: That he is the editor of **THE GARDNER NEWS** A weekly newspaper printed in the State of Kansas, and published in and of general circulation in Johnson County, Kansas and that said newspaper is a bi-weekly published at least weekly, 52 times a year; has been published continuously and uninterruptedly in said county and state for a period of more than five years prior to the first publication of said notice; and has been admitted at the post office in Gardner, Kansas in said county as second class matter.

That the attached notice is a true copy there of and was published in the regular and entire issue of said newspaper for 1 consecutive weeks(s),

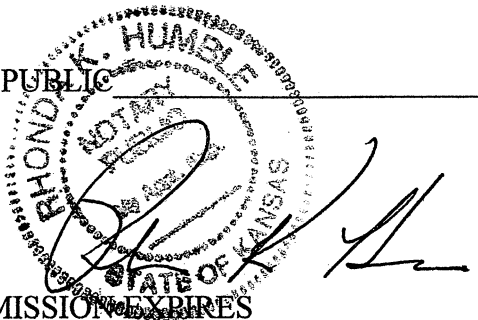
The first publication there of being made as aforesaid on 6/26/19

Publications being made on the following:

EDITOR *Brandon Humble*

SUBSCRIBED AND SWORN TO ME THIS : June 26. 2019

NOTARY PUBLIC



MY COMMISSION EXPIRES

5-1-22

COST-----

ADDITIONAL COPIES-----

IN THE DISTRICT COURT OF JOHNSON, (

The within Proof Of Publication approved

## Public Notice

First published in *The Gardner News* Wednesday, June 26, 2019

**PUBLICATION SUMMARY OF ORDINANCE NO. 19-35, PASSED BY THE GOVERNING BODY OF THE CITY OF OLATHE, KANSAS ON THE 18<sup>th</sup> DAY OF JUNE 2019.**

### SUMMARY

On June 18, 2019, the Governing Body of the City of Olathe, Kansas passed Ordinance No. 19-35, which amends Chapter 15.20 of the Olathe Municipal Code, pertaining to the Swimming Pool and Spa Code.

The ordinance adopts the 2018 International Swimming Pool and Spa Code with certain amendments specific to the City of Olathe. The complete text of this ordinance may be obtained or viewed free of charge at the office of the Olathe City Clerk, Olathe City Hall, 100 East Santa Fe Street, Olathe, Kansas, or on the City's official website address <http://www.olatheks.org/government/city-clerk/public-notices>, where a reproduction of the original ordinance will be available for a minimum of one week following this summary publication.

This summary is certified this 19<sup>th</sup> day of June, 2019.

/s/ Daniel Yoza  
Daniel Yoza  
Assistant City Attorney

Publish one time and return one Proof of Publication to the City Clerk and one to the City Attorney.