



**Mayor and Council of the Town of Leonardtown
Ordinance No. 184
Subject: Chapter 134 – Swimming Pools
of the Code of the Town of Leonardtown**

**Date Introduced on First Reading: March 12, 2018
Date Passed on Second Reading: April 11, 2018
Date Effective: May 2, 2018**

AN ORDINANCE concerning

**CHAPTER 134 – SWIMMING POOLS OF THE CODE OF THE TOWN OF
LEONARDTOWN**

FOR the purpose of repealing Chapter 134 – Swimming Pools of the Code of the Town of Leonardtown for consistency with Chapter 48 – Building Construction of the Town Code; providing that the title of this Ordinance shall be deemed a fair summary; and generally relating to swimming pools in the Town of Leonardtown.

RECITALS

WHEREAS, on August 1, 1964, the Mayor and Council of the Town of Leonardtown (the “Mayor and Council”), then known as the “Commissioners of Leonardtown,” passed Ordinance No. 28, which regulates swimming pools in the Town of Leonardtown (the “Town”) and which is currently codified as Chapter 134 of the Code of the Town of Leonardtown (the “Town Code”); and

WHEREAS, on August 10, 2015, the Mayor and Council passed Ordinance No. 172, which adopted the most current version of the Maryland Building Performance Standards (the “MBPS”), including the most current versions of the International Code Council’s (“ICC”) International Building Code (the “IBC”) and International Residential Code for One- and Two-Family Dwellings (the “IRC”), as the Town’s building code; and

WHEREAS, The ICC’s IBC and IRC require the design and construction of swimming pools, spas, and hot tubs to comply with the ICC’s International Swimming Pool and Spa Code; and

WHEREAS, immediately prior to the introduction and passage of this Ordinance, the Mayor and Council introduced and intend to pass Ordinance No. 183 adopting the Maryland Minimum Livability Code (the “MMLC”) as the Property Maintenance Code for the Town, subject to certain modifications, including the setback requirements for swimming pools currently set forth in § 134-1.1 of the Town Code, which supersede any provisions to the contrary in the MBPS; and

WHEREAS, the Mayor and Council are desirous of repealing Chapter 134 of the Town Code for consistency with the Town’s building code; and

WHEREAS, the Mayor and Council, for the good and welfare of the community, deem it necessary and appropriate to repeal Chapter 134 – Swimming Pools of the Code of the Town of Leonardtown for consistency with Chapter 48 – Building Construction of the Town Code.

SECTION I. BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE TOWN OF LEONARDTOWN that Chapter 134 – Swimming Pools of the Code of the Town of Leonardtown be and it is hereby repealed in its entirety.

SECTION II. AND BE IT FURTHER ORDAINED that the recitals to this Ordinance are incorporated herein and deemed a substantive part of this Ordinance.

SECTION III. AND BE IT FURTHER ORDAINED that, in this Ordinance, unless a section of the Code is expressly repealed in its entirety and reenacted, new or added language is underlined and in boldface type, and deleted text is crossed out and enclosed in brackets.

SECTION IV. AND BE IT FURTHER ORDAINED that, if any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court or competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions of this Ordinance, it being the intent of the Mayor and Council that this Ordinance shall stand, notwithstanding the invalidity of any section, subsection, sentence, clause, phrase, or portion hereof.

SECTION V. AND BE IT FURTHER ORDAINED that all ordinances or parts of ordinances inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION VI. AND BE IT FURTHER ORDAINED that the title of this Ordinance, or a condensed version thereof, shall be deemed to be, and is, a fair summary of this Ordinance for publication and all other purposes.

SECTION VII. AND BE IT FURTHER ORDAINED that this Ordinance shall become effective twenty (20) days following approval by the Mayor or passage by the affirmative vote of four-fifths of the whole Council after veto by the Mayor.

ORDINANCE #184

Attest:

Laschelle E. McKay
Laschelle E. McKay
Town Administrator

COUNCIL OF THE
TOWN OF LEONARDTOWN:

Leslie E. Roberts
Leslie E. Roberts
Vice President

Thomas M. Combs
Thomas M. Combs
Council Member

Hayden T. Hammett
Hayden T. Hammett
Council Member

J. Maguire Mattingly, IV
J. Maguire Mattingly, IV
Council Member

Roger L. Mattingly
Roger L. Mattingly
Council Member

Seal:

This Ordinance was presented to the Mayor for his approval or disapproval pursuant to Section 210 of the Charter of the Town of Leonardtown on this 11th day of April, 2018.

Laschelle E. McKay
Laschelle E. McKay,
Town Administrator

In accordance with Section 210 of the Charter of the Town of Leonardtown, I hereby (Approve) or (Disapprove) approve of this Ordinance on this 11th day of April, 2018.

Daniel W. Burris
Daniel W. Burris, Mayor