



AGENDA MEMORANDUM

First Reading Ordinance for the City Council Meeting of 10/1/19
Second Reading Ordinance for the City Council Meeting of 10/15/19

DATE: September 6, 2019

TO: Peter Zaroni, City Manager

FROM: Al Raymond,
Director of Development Services
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Ordinance amending the Corpus Christi Municipal Code to adopt the 2018 International Swimming Pool and Spa Code, Remove Height Limitations for Industrialized Housing and Revise Vendor Permit requirements for Lemonade Stands.

CAPTION:

Ordinance amending Corpus Christi Code to adopt the 2018 International Swimming Pool and Spa Code, to amend swimming pool standards, to amend the definition of industrialized housing, and to modify affirmative defense for lemonade stand permitting; and providing for penalty.

SUMMARY:

Legislation was signed by Governor Greg Abbott after the 86th Texas legislative session pertaining to House Bill 2858 - Swimming Pool and Spas, House Bill 1385 - Industrialized Housing and House Bill 234 - Lemonade Stands. Passage of this ordinance is necessary to comply with the signed legislation.

BACKGROUND AND FINDINGS:

General

House Bill 2858 – Swimming Pool and Spa Code; requires municipalities adopt the International Swimming Pool and Spa Code as it existed on May 1, 2019 as the municipal swimming pool and spa code. The code applies to all construction, alteration, remodeling, enlargement and repair of swimming pools and spas in a City that elects to regulate pools or spas, including requiring fencing under current state law. The City currently regulates the construction of pools and in ground spas in Chapter 14, Article II of the City’s municipal code of ordinances by requiring permits for swimming pools and spas and regulates commercial swimming pools in Chapter 23 “Health and Sanitation”, Article III, Section 23-57. The proposed amendment removes current language related to swimming pools in Chapter 14 of the municipal code and adds Sec.14-301 – Swimming Pool and Spa Code, 2018 Edition, as published by the International Code Council. The amendment also removes conflicting provisions with the state statute and redundant language in Chapter 23, Sec. 23-57.

House Bill 1385 – Industrialized Housing and Buildings; removes the height limitation for a structure to be classified as industrialized housing and buildings. The City currently regulates industrialized housing in Chapter 14, Article XII “Industrialized Housing” of the City’s municipal code of ordinances and limits the maximum height of industrialized housing to three stories or forty-nine feet. The proposed amendment removes the height restriction in Sec.14-1201 – Definition for Industrialized Housing. The height of Industrialized Housing will continue to be regulated through zoning district standards.

House Bill 234 – Sale of Lemonade; provides a City may not adopt or enforce an ordinance that requires a license, permit or fee for the occasional sale of lemonade or other non-alcoholic beverages from a stand on private property or in a public park by an individual younger than eighteen years of age. The City regulates lemonade stands in Chapter 38 of the City’s municipal code of ordinances and exempts lemonade stands and the like, conducted and operated by children under the age of sixteen and upon the private premise of such children from obtaining a vendor permit. The proposed amendment amends Chapter 38 “Peddlers, Vendors, Mobile Food Vendors, Itinerant Merchants and Solicitors,” Article I “In General,” Section 38-3 “Applicability; Affirmative Defenses.” The amendment allows the sale of lemonade and other non-alcoholic beverages by children under age eighteen and allows sales at public parks in addition to private residential premises.

ALTERNATIVES:

The City could maintain current code standards. However, the City would not be in compliance with the State of Texas based on the new signed legislation.

FISCAL IMPACT:

There is no financial impact involved with this item.

Funding Detail:

Fund:
Organization/Activity:
Mission Element:
Project # (CIP Only):
Account:

RECOMMENDATION:

Staff recommends approval of the ordinance.

LIST OF SUPPORTING DOCUMENTS:

Ordinance
Presentation