

Sample Legislation for Adoption of the 2021 Uniform Plumbing Code® , Appendix M (Peak Water Demand Calculator)

The Uniform Codes are designed to be adopted by jurisdictions through an ordinance. Jurisdictions wishing to adopt the *2021 Uniform Plumbing Code, Appendix M (Peak Water Demand Calculator)* as an enforceable regulation governing swimming pool, spa, and hot tub systems by reference should ensure the legal basis under which adoption and implementation are included in the ordinance.

The following sample ordinance is a guide for drafting an ordinance for adoption that addresses key components regulations and resolutions.

ORDINANCE NO.

An ordinance of the [JURISDICTION] adopting the 2021 edition of the *Uniform Plumbing Code, Appendix M (Peak Water Demand Calculator)* regulating and controlling the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of swimming pool, spa, and hot tub systems in the [JURISDICTION]; providing for the issuance of permits and collection of fees therefor; repealing Ordinance No. of the [JURISDICTION] and all other ordinances and parts of the ordinances in conflict therewith.

The [GOVERNING BODY] of the [JURISDICTION] does ordain as follows:

Section 1 Codes Adopted by Reference. That certain documents, three (3) copies of which are on file in the office of the [JURISDICTION'S KEEPER OF RECORDS] and the [JURISDICTION], being marked and designated as the *2021 Swimming Pool, Spa, and Hot Tub Code*, as published by the International Association of Plumbing and Mechanical Officials, be and is hereby adopted as the Code of the [JURISDICTION], in the State of [STATE NAME] regulating and controlling the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of swimming pool, spa, and hot tub systems as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of such *2021 Uniform Plumbing Code, Appendix M (Peak Water Demand Calculator)* on file in the office of the [JURISDICTION] are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance.

Section 2 Modifications. The following sections are hereby revised:

Section 101.1. Insert: [NAME OF JURISDICTION]

Section 104.5. Insert: [APPROPRIATE FEE SCHEDULE]

Section 3 Conflicting Ordinances Repealed. That Ordinance No. of [JURISDICTION] entitled [TITLE OF THE ORDINANCE OR ORDINANCES IN EFFECT AT THE PRESENT TIME SO THAT THEY WILL BE REPEALED BY MENTION] and all other ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 4 Preemption. [JURISDICTION] hereby fully occupies and preempts the entire field of regulation of design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of mechanical systems; and provision for the issuance of permits and collection of fees therefor; within the boundaries of [JURISDICTION]. [AS APPROPRIATE] Cities, towns, and counties or other municipalities may enact only those laws and ordinances relating to this field as specifically authorized by state law and consistent with this ordinance. Local laws and ordinances that are inconsistent with, more restrictive than, or exceed the requirements of [ORDINANCE NO.] shall not be enacted and are hereby expressly preempted and repealed, regardless of the nature of the code, charter, or home rule status of such city, town, county, or municipality.

Section 5 Severability. That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The [GOVERNING BODY] hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

Section 6 Legal Notice. That the [JURISDICTION'S KEEPER OF RECORDS] is hereby ordered and directed to cause this ordinance to be published. (An additional provision may be required to direct the number of times the ordinance is to be published and to specify that it is to be in a newspaper in general circulation. Posting may also be required.)

Section 7 Violations and Penalties. [INCORPORATE PENALTIES FOR VIOLATIONS]

Section 8 Effective Date. That this ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect [TIME PERIOD] from and after the date of its final passage and adoption.