

proving authority revoking or suspending a permit or license may be appealed to the County Board of Appeals within ten days of the decision.

105-15. Penalties.

Any person violating any provision of this Chapter shall, upon conviction thereof, be fined not more than \$1,000 or be imprisoned for not more than six months, or be both so fined and imprisoned. Any such swimming pool installed, operated or maintained in violation of the provisions of this Chapter shall constitute a nuisance and the approving authority may, in addition to the penalties hereinbefore set forth, maintain any proper action for the abatement of such nuisance. Each day a violation of the provisions of this Chapter continues to exist shall constitute a separate offense. In addition thereto, the County may institute an injunction, mandamus or any other appropriate action or proceedings at law or equity for the enforcement of this Chapter, or to correct violations of this Chapter, and any court of competent jurisdiction shall have the right to issue restraining orders, temporary or permanent injunctions or mandamus or other appropriate forms of remedy or relief.

SEC. 2. Chapter 105A, title "Swimming Pools—Lifeguards," of the Montgomery County Code 1965, as amended, is hereby repealed in its entirety.

SEC. 3. Severability.

The provisions of this Act are severable and if any provision, sentence, clause, section or part thereof is held illegal, invalid or unconstitutional or inapplicable to any person or circumstances, such illegality, invalidity or unconstitutionality or inapplicability shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of the Act or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this Act would have been adopted if such illegal, invalid or unconstitutional provision, sentence, clause, section or part had not been included therein and if the person or circumstances to which the Act or any part thereof is inapplicable had been specifically exempted therefrom.

SEC. 4. The Council hereby declares an emergency to exist. This Act is necessary for the immediate protection of the public health and safety.

SEC. 5. Effective date.

The emergency legislation shall take effect immediately upon approval of the County Executive.

Effective: March 10, 1971