

12074

ORDINANCE NO. _____
(New Series)

MAY 25 1977

AN ORDINANCE AMENDING CHAPTER IV, ARTICLE 4,
OF THE SAN DIEGO MUNICIPAL CODE BY ADDING
DIVISION 5, SECTIONS 44.0501 THROUGH 44.0503
TO REQUIRE AN ANNUAL OPERATING PERMIT FOR
PUBLIC SWIMMING POOLS AND PROVIDING A PERMIT
THEREFOR.

BE IT ORDAINED, by the Council of The City of San Diego,
as follows:

Section 1. That Chapter IV, Article 4, of the San Diego
Municipal Code be and the same is hereby amended by adding
Division 5, Sections 44.0501 through 44.0503, to read as
follows:

ARTICLE 4

DIVISION 5

PUBLIC SWIMMING POOLS

SEC. 44.0501 PERMIT REQUIRED.

No person shall maintain or operate any pool except
a private pool unless an annual operating permit is
issued therefor by the Director of Public Health. A
pool shall be considered a private pool if it is main-
tained by an individual for the use of his family and
friends and for swimming instruction programs of short
duration which are conducted by or sponsored by the
American Red Cross. An annual operating permit issued
by the Public Health Department is required for opera-
tion of any public pool including, but not limited to,
all commercial pools, real estate and community pools,
pools at hotels, motels, resorts, auto and trailer
parks, auto courts, apartment houses, clubs, public or

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private schools and gymnasia, and health establishments. Every person applying for a permit as required by this division shall, at the time of making application for such permit, pay an annual inspection fee of Forty Dollars (\$40) for the first pool under one (1) ownership and on the same property, and a fee of Twenty Dollars (\$20) for each additional pool on the same property and under the same ownership. The annual operating permit shall be effective for a twelve-month period from the date of issuance.

In any case where the applicant has failed for a period of thirty (30) days to file the application and obtain the permit required by this division, there shall be added to and collected with the inspection fee a penalty equal to ten percent (10%) of the fee; and for each additional month or fraction of a month after the expiration of said 30-day period that the applicant fails to file such application and obtain such permit, there shall be added to and collected with the inspection fee an additional penalty equal to ten percent (10%) of the inspection fee; provided, however, in no event shall the total penalty added to the inspection fee pursuant to this section be more than sixty percent (60%) of the inspection fee. The imposition or payment of the penalty imposed by this division shall not prevent the imposition of any other penalty prescribed by state law or city ordinance, nor shall it prevent a criminal prosecution

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for violation of this division.

SEC. 44.0502 RENEWAL OF PERMIT--TEN PERCENT (10%)
PENALTY FOR DELINQUENCY

A permit issued pursuant to this division shall be renewed annually. Application for the renewal shall be made to the Public Health Department. At the time application is made there shall be paid to the Director of Public Health the annual fee prescribed by Section 44.0501. The annual fee, if unpaid longer than thirty (30) days after the expiration of the previous permit, is delinquent, and thereafter a penalty shall be imposed in the manner prescribed in Section 44.0501.

SEC. 44.0503 PERMIT NOT TRANSFERABLE

A permit is not transferable from one person or one place to another, and shall be deemed voided if removed from the place or location specified in the written application and in the permit.

Section 2. This ordinance shall take effect and be in force on the thirtieth day from and after its passage.

APPROVED: JOHN W. WITT, City Attorney

By Eugene P. Gordon
Eugene P. Gordon
Deputy City Attorney

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OCT 4 1978

EPG:rc:260.4
3/24/77
Or.Dept.: Financial Mgmt.

12074

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Passed and adopted by the Council of The City of San Diego on MAY 25 1977,
 by the following vote:

Councilmen	Yeas	Nays	Excused	Absent
Gil Johnson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Maureen F. O'Connor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lee Hubbard	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Leon L. Williams	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Floyd L. Morrow	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tom Gade	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Joel M. Strobl	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jess D. Haro	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Pete Wilson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

PETE WILSON
 Mayor of The City of San Diego, California.

EDWARD NIELSEN
 City Clerk of The City of San Diego, California.

(Seal)

By Kathleen Martinez, Deputy.

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on MAY 11 1977, and on MAY 25 1977.

~~I FURTHER CERTIFY that said ordinance was read in full prior to its final passage.~~

I FURTHER CERTIFY that the reading of said ordinance in full was dispensed with by a vote of not less than a majority of the members elected to the Council, and that there was available for the consideration of each member of the Council and the public prior to the day of its passage a written or printed copy of said ordinance.

EDWARD NIELSEN
 City Clerk of The City of San Diego, California.

(Seal)

By Kathleen Martinez, Deputy.

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OCT 4 1978

RECEIVED
 CITY CLERK'S OFFICE
 1977 APR 12 AM 9:17
 SAN DIEGO, CALIF.

Office of the City Clerk, San Diego, California

Ordinance Number 12074 Adopted MAY 25 1977

C0929

ATTORNEYS:

San Diego, City of
12th Floor, City Admin. Bldg.
202 C St.
San Diego, Ca 92101
Attn: Kathleen Martínez

RECEIVED
CITY CLERK'S OFFICE

1977 JUN 20 AM 11:49

SAN DIEGO, CALIF.

CERTIFICATE OF PUBLICATION

No. 12074

IN THE MATTER OF

PUBLIC SWIMMING POOLS

OCT 4 1978

MICROFILMED

ORDINANCE NO. 12074

(New Series)

AN ORDINANCE AMENDING CHAPTER IV, ARTICLE 4, OF THE SAN DIEGO MUNICIPAL CODE BY ADDING DIVISION 5, SECTIONS 44.0501 THROUGH 44.0503 TO REQUIRE AN ANNUAL OPERATING PERMIT FOR PUBLIC SWIMMING POOLS AND PROVIDING A PERMIT THEREFOR.

BE IT ORDAINED, by the Council of The City of San Diego, as follows:
Section 1. That Chapter IV, Article 4, of the San Diego Municipal Code be and the same is hereby amended by adding Division 5, Sections 44.0501 through 44.0503, to read as follows:

ARTICLE 4

DIVISION 5
PUBLIC SWIMMING POOLS

SEC. 44.0501 PERMIT REQUIRED.

No person shall maintain or operate any pool except a private pool unless an annual operating permit is issued therefor by the Director of Public Health. A pool shall be considered a private pool if it is maintained by an individual for the use of his family and friends and for swimming instruction programs of short duration which are conducted by or sponsored by the American Red Cross. An annual operating permit issued by the Public Health Department is required for operation of any public pool including, but not limited to, all commercial pools, real estate and community pools, pools at hotels, motels, resorts, auto and trailer parks, auto courts, apartment houses, clubs, public or private schools and gymnasias, and health establishments. Every person applying for a permit as required by this division shall, at the time of making application for such permit, pay an annual inspection fee of Forty Dollars (\$40) for the first pool under one (1) ownership and the same property, and a fee of Twenty Dollars (\$20) for each additional pool on the same property and under the same ownership. The annual operating permit shall be effective for a twelve-month period from the date of issuance.

In any case where the applicant has failed for a period of thirty (30) days to file the application and obtain the permit required by this division, there shall be added to and collected with the inspection fee a penalty equal to ten percent (10%) of the fee; and for each additional month or fraction of a month after the expiration of said 30-day period that the applicant fails to file such application and obtain such permit, there shall be added to and collected with the inspection fee an additional penalty equal to ten percent (10%) of the inspection fee; provided, however, in no event shall the total penalty added to the inspection fee pursuant to this section be more than sixty percent (60%) of the inspection fee. The imposition or payment of the penalty imposed by this division shall not prevent the imposition of any other penalty prescribed by state law or city ordinance, nor shall it prevent a criminal prosecution for violation of this division.

SEC. 44.0502 RENEWAL OF PERMIT - TEN PERCENT (10%) PENALTY FOR DELINQUENCY.

A permit issued pursuant to this division shall be renewed annually. Application for the renewal shall be made to the Public Health Department. At the time application is made there shall be paid to the Director of Public Health the annual fee prescribed by Section 44.0501. The annual fee, if unpaid longer than thirty (30) days after the expiration of the previous permit, is delinquent, and thereafter a penalty shall be imposed in the manner prescribed in Section 44.0501.

SEC. 44.0503 PERMIT NOT TRANSFERABLE
A permit is not transferable from one person or one place to another, and shall be deemed voided if removed from the place or location specified in the written application and in the permit.

Section 2. This ordinance shall take effect and be in force on the thirtieth day from and after its passage.
Introduced on May 11, 1977.
Passed and adopted by the Council of The City of San Diego on May 25, 1977.

AUTHENTICATED BY:
PETE WILSON,
Mayor of The City of San Diego, California.
EDWARD NIELSEN,
City Clerk of The City of San Diego, California.
By KATHLEEN MARTINEZ, Deputy.
(SEAL)
Exp. June 8, 1977.

SALLY M. COWART

I, SALLY M. COWART, hereby certify that the San Diego Daily Transcript is a daily newspaper of general circulation within the provisions of the Jurisdiction Code of the State of California, printed and published in the City of San Diego, County of San Diego, State of California, that I am the principal clerk of said newspaper, and that

ORDINANCE NO. 12074

is a true and correct copy of which this certificate is annexed and was published in said newspaper on

June 8, 1977

I certify under penalty of perjury that the foregoing is true and correct at San Diego, California on

June 17, 1977

Sally M. Cowart
(Signature)

1274 @ 5.08 = 62.23

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