

ORDINANCE NUMBER O- 15777 (New Series)

Adopted on JUL 19 1982

AN ORDINANCE AMENDING CHAPTER IX, ARTICLE 1, OF
THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS
91.0401 THROUGH 91.0408, RELATING TO REGULATION
OF SWIMMING POOLS OR THERAPEUTIC POOLS.

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

Section 1. Chapter IX, Article 1, of the San Diego
Municipal Code, relating to regulation of swimming pools or
therapeutic pools, be and the same is hereby amended by amending
Sections 91.0401 through 91.0408, to read as follows:

SEC. 91.0401 SWIMMING POOL OR THERAPEUTIC POOL -
DEFINITION

A swimming pool or a therapeutic pool is any
confined body of water, located either above or below
the existing finished grade of the site, having
sixteen square feet or more of surface area and two or
more feet of depth, and which is designed, used or
intended to be used for swimming or bathing purposes.

SEC. 91.0402 SWIMMING POOL OR THERAPEUTIC POOL -
FENCE REQUIRED

(a) Every swimming or therapeutic pool shall be
enclosed by a natural barrier, wall, retaining wall,
fence or other structure having a minimum height of
five feet, and constructed or installed so as to
obstruct access thereto by a person other than the
owners or occupants of the premises on which such pool

is located.

(b) When any such enclosing fence, wall or structure would be located in a required front yard setback or street side yard, a zoning variance must be obtained by the property owner as a condition precedent to obtaining a building permit for the swimming pool.

SEC. 91.0403 SWIMMING POOL OR THERAPEUTIC POOL -
GATES

Such fences, walls or structures may include gates therein. All gates must be self-closing and self-latching with latches placed at least four feet above the underlying ground and must be securely closed and latched at all times.

SEC. 91.0404 SWIMMING POOL OR THERAPEUTIC POOL -
INGRESS AND EGRESS

Such fence, gate or other protective device as required by these sections shall be installed in such a manner as to comply with the fire exit requirements as contained in this code and the State law. No swimming pool or therapeutic pool shall be installed in any court or yard area which is required for ingress or egress to any building or occupancy.

SEC. 91.0405 SWIMMING POOL OR THERAPEUTIC POOL -
FRONT, SIDE AND REAR YARDS

1. Swimming or therapeutic pools which project three feet or less above grade shall be located at least three feet from all front, side and rear property lines.

2. Swimming or therapeutic pools which project more than three feet above grade shall be located at least four feet from all rear property lines, and the distance from front and side property lines specified in Article 1, Chapter X of this code for front and side yard clearances for the zone in which the pool is located, but in no case less than three feet.

3. All heating, filtering, pumping and accessory equipment constructed after the effective date of this section shall be subject to a four foot side and rear yard requirement.

4. All heating, filtering, pumping and accessory equipment used in connection with a swimming or therapeutic pool, if located entirely below the finished grade of the site and provided with a permanent, durable, protective cover, need not observe the front, side or rear yard requirements.

SEC. 91.0406 SWIMMING POOL OR THERAPEUTIC POOL -
ALTERNATIVE FENCING PROVISIONS

The owner of any swimming or therapeutic pool may request approval of an alternative from the fencing requirements herein by submitting to the Building Official written application for such an alternative, setting forth a description of such pool and an alternate safeguard or condition of the site by which entry into said pool may be restricted or prevented. The Building Official may approve such alternate safeguard or obstruction upon finding that one of the following conditions exists:

1. That physical conditions of the site would make the erection of a fence, wall or other structure impractical.

2. That proposed limitation of access or conditions of control which would be continuously effective would satisfy the intent of the fencing requirements.

SEC. 91.0407 SWIMMING POOL OR THERAPEUTIC POOL -
EXEMPTIONS

(a) The provisions of Sections 91.0402 and 91.0403 shall not apply to premises where a swimming or therapeutic pool is used or maintained and the premises are used for any hotel, motel, apartment or trailer park consisting of ten or more units where the owner or an employee thereof is on duty on such premises 24 hours each day.

(b) All swimming or therapeutic pools which are completely contained within the walls of a building shall be exempt from the provisions of the fencing requirements.

SEC. 91.0408 SWIMMING POOL OR THERAPEUTIC POOL -
LOT COVERAGE

Swimming or therapeutic pools shall not be considered residential structures for purposes of computing lot coverage as set forth in Section 101.0601.1 of the San Diego Municipal Code.

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

Thomas F. Steinke
Thomas F. Steinke
Deputy City Attorney

TFS:ta:260.4

4/30/82

REV. 6/21/82

Or. Dept: Bldg. Insp.

O-82-226

Form=r.none

Passed and adopted by the Council of The City of San Diego on JUL 19 1982
 by the following vote:

Councilmen	Yeas	Nays	Not Present	Ineligible
Bill Mitchell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bill Cleator	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Susan Golding	<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"/>
Ed Struiksma	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mike Gotch	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Dick Murphy	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lucy Killea	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Pete Wilson	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

PETE WILSON

Mayor of The City of San Diego, California.

CHARLES G. ABDELNOUR

City Clerk of The City of San Diego, California.

(Seal)

By Barbara Benidge, 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

JUL 6 1982

JUL 19 1982

~~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.

CHARLES G. ABDELNOUR

City Clerk of The City of San Diego, California.

(Seal)

By Barbara Benidge, Deputy.

Office of the City Clerk, San Diego, California

Ordinance Number 0-15777 Adopted JUL 19 1982

CERTIFICATE OF PUBLICATION

1982
SAN DIEGO, CALIF.

SAN DIEGO, CITY OF
202 C St., 12th floor
San Diego, CA 92101
ATTN: BARBARA BERRIDGE

IN THE MATTER OF

NO.

ORDINANCE NO. O-1577 7

**ORDINANCE NO. O-1577
(New Series)**

**AN ORDINANCE AMENDING CHAPTER IX, ARTICLE 1,
OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING
SECTIONS 91.9491 THROUGH 91.9498, RELATING TO
REGULATION OF SWIMMING POOLS OR THERAPEUTIC
POOLS.**

This ordinance amends Sections 91.9491 through 91.9498 of Chapter IX, Article 1, of the San Diego Municipal Code by changing the definition of a swimming pool to include smaller therapeutic pools. The ordinance also clarifies the existing code provisions by explicitly requiring a zoning variance for required pool enclosing fences in setback areas prior to the issuance of a building permit. These amendments also clarify the provisions in the code which govern the permissible location of the pool with respect to property lines when the pool is constructed three feet or less above grade.

A complete copy of the Ordinance is available for inspection in the Office of the City Clerk of the City of San Diego, 12th Floor, City Administration Building, 202 "C" Street, San Diego, CA 92101.

Introduced on JULY 8, 1982.
Passed and adopted by the Council of The City of San Diego on JULY 16, 1982.

AUTHENTICATED BY:
ROBERT HILLSON, Mayor of The City of San Diego, California.
DORIS B. S. ASSELHOUR, City Clerk of The City of San Diego, California.
(SEAL)
By BARBARA BERRIDGE, Deputy.
Publish August 2, 1982

I, Charlene Casselman, am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above-entitled matter. I am the principal clerk of the San Diego Daily Transcript, a newspaper of general circulation, printed and published daily, except Saturdays and Sundays, in the City of San Diego, County of San Diego, and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of San Diego, State of California, under the date of January 23, 1909, Decree No. 14894; and the

ORDINANCE NO. O-15777
(New Series)

is a true and correct copy of which the annexed is a printed copy and was published in said newspaper on the following date(s), to wit:

August 2, 1982

I certify under penalty of perjury that the foregoing is true and correct.

Dated at San Diego, California this 2nd day of Aug, 19 82.

Charlene Casselman

(Signature)

00828

2-3/4" x 2 x 8.87 x 1 = 48.79