

ORDINANCE NO. 2724

AN ORDINANCE OF THE CITY OF CHULA VISTA AMENDING  
CHAPTER 15.48 OF THE CHULA VISTA MUNICIPAL CODE  
REGULATING SWIMMING POOL ENCLOSURES

The City Council of the City of Chula Vista does hereby ordain as follows:

SECTION I: That Chapter 15.48 of the Chula Vista Municipal Code is hereby amended to read as follows:

**Sec. 15.48.010 Definitions.**

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

A. "Enclosure" means a fence, wall or other barrier that completely surrounds a swimming pool lot or premises .

"Exit alarms" means devices that make audible, continuous alarm sounds when any door that permits access from the residence to the pool area that is without any intervening enclosure, is opened or is left ajar. Exit alarms may be battery operated or may be connected to the electrical wiring of the building.

"Public swimming pool" means a swimming pool operated for the use of the general public with or without charge, or for the use of the members and guests of a private club. Public swimming pool does not include a swimming pool located on the grounds of a private single-family home.

B. "Swimming pool" or "pool" means any structure intended for swimming or recreational bathing that contains water over 18 inches deep. "Swimming pool" includes in-ground and above-ground structures and includes, but is not limited to, hot tubs, spas, portable spas, and nonportable wading pools.

**Sec. 15.48.020 Enclosure required-Exception.**

Every person in possession of land within the city, either as owner, purchaser under contract, lessee, tenant, or licensee, upon which is situated a swimming pool, shall at all times maintain on the lot or premises upon which such a pool is located, and completely surrounding such pool, lot or premises, a substantial fence or other solid structure not less than five feet in height, with openings, holes or gaps therein no larger than four inches in any dimension. Any wall of a single family dwelling, duplex apartment building or accessory building, may be used as part of the enclosure. The vertical clearance from the ground to the bottom of the enclosure shall be no more than two inches and the outside surface shall be free of protrusions, cavities, or other physical characteristics that would serve as handholds or footholds that could enable a child below the age of five years to climb over. Doors and gates in these walls shall meet the requirements of Sec. 15.48.030.

**Sec. 15.48.030 Gates and doors in enclosure-Specifications- Exception.**

All gates and doors opening through such enclosures shall be equipped with a self-closing and self-latching device located at least four feet six inches above ground level, designated to keep and capable of keeping such door or gate securely closed at all times when not in actual use.

The self-latching device shall be located on the pool side of the fence and shall be a minimum of six inches below the top of the fence. All open type fences and gates shall have solid areas extending a minimum of twenty-four inches in all directions from below the latching device.

In addition to the above requirements, single family dwellings and attached or detached garages leading to the pool area shall be provided with one of the following safety features:

- a. The pool shall be isolated from access to a home by an enclosure that meets the requirements of Sec. 15.48.020.
- b. The residence will be equipped with exit alarms on those doors providing direct access to the pool.
- c. All doors providing direct access from the home to the swimming pool shall be equipped with a self-closing, self-latching device with a release mechanism placed no lower than 54 inches above the floor.
- d. Other means of protection, if the degree of protection afforded is equal to or greater than that afforded by any of the devices set forth in subdivisions (a) to (d), inclusive, as determined by the Director of Building and Housing.

Exception: Single family dwellings with hot tubs or spas equipped with locking safety covers that comply with American Society for Testing Materials - Emergency Performance Specification (ASTM - ES 13-89) need not comply with any of the additional requirements a) through e) above.

**Sec. 15.48.040 Gates and doors in enclosure-Modifications of specifications permitted when.**

The Director of Building and Housing may make a slight modification, for good cause shown in individual cases, with respect to the nature or position of the latch required by Section 15.48.030. Upon the application of a property owner, the Director of Building and Housing may grant extensions of time for compliance, for good cause shown in individual cases. Such extensions of time shall not exceed thirty days at a time.

**Sec. 15.48.060 Variances from regulations permitted when-Procedure.**

The owners, occupants or persons in possession or control of the property wherein a swimming pool is located subject to the provisions of this chapter may apply for modification or variance of the terms and regulations set forth in this chapter. The application fee for a hearing before the Board of Appeals and Advisors is as set forth in the Master Fee Schedule. The application submitted to the Department of Building and Housing shall be reviewed by the

Director of Building and Housing to determine whether or not the modification as requested would adversely affect the public health, safety or general welfare. The Director of Building and Housing shall forward his report and recommendation to the Board of Appeals. The Board of Appeals shall review the report, allow and provide for specific modifications of terms of the chapter when it shall be determined that strict compliance with the terms of this chapter will not materially benefit or safeguard the public and that the work to be done will result in undue hardship to the owners or occupants or persons in possession or in control of the property.

**Sec. 15.48.070 Location of pool-Limitations.**

No swimming pool shall be permitted in any front yard, as defined in the zoning ordinance of the city, or in any side yard, as defined in the zoning ordinance of the city, facing on a dedicated street.

**Sec. 15.48.080 Compliance required-Time limit-Certain provisions not retroactive.**

This chapter shall not be retroactive with respect to its provisions governing the location of swimming pools and with respect to the provisions of Section 15.48.050.

**Sec. 15.48.090 Other protective devices authorized when.**

Other protective devices or structures may be used providing such structures and protective devices have been previously approved by the board of appeals of the city. The board of appeals shall determine that the degree of protection provided by the substitute devices or structures is not less than the protection afforded by the fence, gate, self-latching and self-closing device described elsewhere in this chapter.

**Sec. 15.48.100 Violation-Continuation deemed nuisance.**

The continuation of any violation of the provisions of this chapter is declared to be a nuisance.

**Sec. 15.48.105 Review of plans for public swimming pools-Fee.**

Any person desiring the review and approval of plans and specifications for a public swimming pool by the Director of Environmental Health pursuant to Section 116038 of the California Health and Safety Code shall submit the plans to the director accompanied by a fee as set forth in this section to cover the cost of the review. As soon after the plans and specifications are submitted as is practical, the director shall review or cause to be reviewed the plans and specifications and shall determine whether they are in accordance with the requirements of the California Health and Safety Code, the California Code of Regulations, the California Building Code and the California Electrical Code pertaining to public pools. In the event that the plans and specifications do not comply with the Codes, amended plans and specifications may be submitted to the Director for rereview and approval, and the fee for each such rereview shall be as set forth in this section, payable to the Director in advance. The fees shall be that as established by the County of San Diego Board of Supervisors in the Annual Fee Ordinance commencing with Section 65.107 of the San Diego County Code of Regulatory Ordinances.

**Sec. 15.48.110 Public pool-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 Environmental Health. A pool shall be considered a private pool if it is intended for non-commercial use as a swimming pool by not more than three owner families and their guests. An annual operating permit issued by the Director of Environmental Health is required for the 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 section shall, at the time of making application for such permit, pay an annual inspection fee of sixty dollars for the first pool under one ownership and on the same property, and a fee shall be that as established by the County of San Diego Board of Supervisors in the Annual Fee Ordinance commencing with Section 65.107 of the San Diego County Code of Regulatory Ordinances. The annual operating permit shall be effective for a twelve-month period from the date of issuance.

Penalties for late payment of the Health Permit shall be as established in the San Diego County Fee Ordinance.

**Sec. 15.48.120 Public pool-Renewal of permit-Penalty for delinquency.**

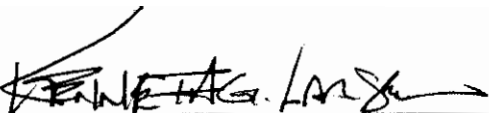
A permit issued pursuant to this chapter shall be renewed annually. Application for the renewal shall be made to the Director of Environmental Health. At the time application is made, there shall be paid to the county health officer the annual fee prescribed by Section 15.48.110. The annual fee, if unpaid longer than thirty days after the expiration of the previous permit, is delinquent, and thereafter a penalty shall be imposed in the manner prescribed in Section 15.48.110.

**Sec. 15.48.130 Enforcement of Sections 15.48.110 and 15.48.120.**

The County of San Diego, acting through its officers and employees, shall enforce the provisions of Sections 15.48.110 and 15.48.120 and carry out such inspection activities pursuant to the agreement for health services entered into on December 7, 1952; provided, however, that the city shall undertake appropriate legal action for any violation of said sections.

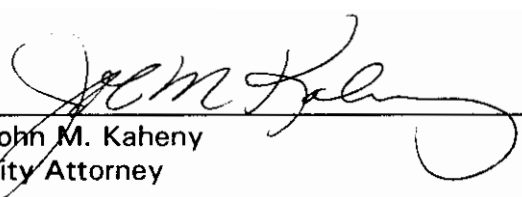
SECTION II: This ordinance shall take effect and be in full force on the thirtieth day from and after its adoption.

Presented by



Kenneth Larsen  
Building and Housing Director

Approved as to form by



John M. Kaheny  
City Attorney

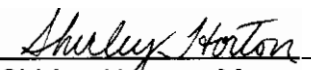
PASSED, APPROVED, and ADOPTED by the City Council of the City of Chula Vista, California, this 10th day of March, 1998, by the following vote:

AYES: Councilmembers: Rindone, Salas, and Horton

NAYS: Councilmembers: None

ABSENT: Councilmembers: Padilla

ABSTAIN: Councilmembers: Moot

  
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Shirley Horton, Mayor

ATTEST:

  
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Beverly A. Authelet, City Clerk

STATE OF CALIFORNIA    )  
COUNTY OF SAN DIEGO   ) ss.  
CITY OF CHULA VISTA    )

I, Beverly A. Authelet, City Clerk of the City of Chula Vista, California, do hereby certify that the foregoing Ordinance No. 2724 had its first reading at a regular meeting held on the 3rd day of March, 1998 and its second reading and adoption at a regular meeting of said City Council held on the 10th day of March, 1998.

Executed this 10th day of March, 1998.

  
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Beverly A. Authelet, City Clerk

