

BILL NO. 84-55

ORDINANCE NO. 3144

AN ORDINANCE RELATING TO POOLS AND SPAS; AMENDING SECTION 7207 OF THE UNIFORM BUILDING CODE, 1982 EDITION, AS ADDED TO SAID UNIFORM BUILDING CODE BY SECTION 39 OF THAT CERTAIN DOCUMENT ENTITLED "A SUPPLEMENTAL DOCUMENT AMENDING THE UNIFORM BUILDING CODE, 1982 EDITION" WHICH IS INCORPORATED BY REFERENCE INTO THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, NEVADA, 1983 EDITION, BY TITLE 16, CHAPTER 4, SECTION 10, OF SAID MUNICIPAL CODE, BY MODIFYING SAID SECTION 7207 TO CLARIFY THE REQUIREMENT OF PROTECTIVE BARRIERS AROUND CERTAIN BODIES OF WATER; PROVIDING OTHER MATTERS PROPERLY RELATING THERETO; PROVIDING PENALTIES FOR THE VIOLATION HEREOF; AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH.

Sponsored by:
Councilman Ron Lurie

Summary: Amends that portion of the Uniform Building Code regulating pools and spas by lowering the height requirement of the protective barrier enclosing the pool or spa and by excluding those pools contemplating a more broad recreational use than just swimming or bathing from the protective barrier requirement.

THE CITY COUNCIL OF THE CITY OF LAS VEGAS, NEVADA,
DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1: Section 7207 of the Uniform Building Code, 1982, as added to said Uniform Building Code by Section 39 of that certain document entitled "Supplemental Document Amending the Uniform Building Code, 1982 Edition," incorporated by reference into the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition by Title 16, Chapter 4, Section 10, of said Municipal Code is hereby amended to read as follows:

Section 7207: Pool and Spa Protective Requirements.
Every [pool/spa] pool or spa located within the
City shall be completely surrounded by a fence or
wall not less than [six feet (6')] five feet (5')
in height from the opposite side of the fence of
the yard or area containing the pool with no
openings larger than four inches (4") in any

1 dimension. A structure may be used as part of
2 such enclosure. All gates or doors opening through
3 such enclosure shall be equipped with self-closing
4 and self-latching devices for keeping the gate or
5 door securely closed at all times when not in
6 actual use except that the door of any dwelling
7 which forms a part of the enclosure need not be
8 so equipped. The duty of providing and maintain-
9 ing such enclosure shall be upon the person,
10 association, firm, or corporation occupying the
11 parcel of land upon which the [pool/spa] pool or
12 spa is located, or the owner of the parcel of
13 land which is vacant or unoccupied. An indoor
14 pool shall be maintained in a separate room of
15 any building or if in a portion of a room, a
16 protective barrier shall be used to enclose the
17 pool utilizing whatever walls are available. In
18 lieu of maintaining a wall or fence as set forth
19 above, there may be provided a [pool/spa] guard
20 who shall keep the [pool/spa] pool or spa under
21 observation at all times while water is kept there-
22 in. In the event the [pool/spa] pool or spa is
23 not under the observation of a guard at all times,
24 a [pool/spa] pool or spa cover capable of support-
25 ing three hundred (300) pounds or an alarm device,
26 approved in writing by the Building Official, may
27 be used. The Building Official is authorized and
28 empowered to modify in individual cases, the
29 requirements of this section with respect to the
30 nature and location of the fence, wall, gates, or
31 latches or with the necessity therefore, upon
32 showing of good cause and satisfactory assurances

1 that the degree of protection is not thereby
2 reduced. The Building Official may also permit
3 the use of protective devices or structures other
4 than those specified herein, as long as the degree
5 of protection is not thereby reduced.

6 This section applies only to those pools whose
7 intended use is limited solely to swimming or
8 bathing.

9 SECTION 2: If any section, subsection, subdivision,
10 paragraph, sentence, clause or phrase in this Chapter or any part
11 thereof, is for any reason held to be unconstitutional or invalid
12 or ineffective by any court of competent jurisdiction, such
13 decision shall not affect the validity or effectiveness of the
14 remaining portions of this Chapter or any part thereof. The
15 City Council of the City of Las Vegas, Nevada, hereby declares
16 that it would have passed each section, subsection, subdivision,
17 paragraph, sentence, clause or phrase thereof, irrespective of
18 the fact that any one or more sections, subsections, subdivisions,
19 paragraphs, sentences, clauses or phrases be declared unconstitu-
20 tional, invalid or ineffective.

21 SECTION 3: Whenever in this ordinance any act is pro-
22 hibited or is made or declared to be unlawful or an offense or
23 a misdemeanor, or whenever in this ordinance the doing of any act
24 is required or the failure to do any act is made or declared to
25 be unlawful or an offense or a misdemeanor, the doing of any such
26 prohibited act or the failure to do any such required act shall
27 constitute a misdemeanor and upon conviction thereof, shall be
28 punished by a fine of not more than \$1,000.00 or by imprisonment
29 for a term of not more than six months, or by any combination of
30 such fine and imprisonment. Any day of any violation of this
31 ordinance shall constitute a separate offense.

32 SECTION 4: All ordinances or parts of ordinances, sec-

1 tions, subsections, phrases, sentences, clauses or paragraphs
2 contained in the Municipal Code of the City of Las Vegas, Nevada,
3 1983 Edition, in conflict herewith are hereby repealed.

4 PASSED, ADOPTED and APPROVED this 17th day of
5 October, 1984.

6 APPROVED:

7
8 BY William H. Briare
9 WILLIAM H. BRIARE, MAYOR

10 ATTEST:

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12 Carol A. Hawley
13 Carol Ann Hawley, City Clerk
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1 The above and foregoing ordinance was first proposed
2 and read by title to the City Council on the 19th day of
3 September, 1984, and referred to the following committee
4 composed of Councilmen Lurie and
5 Levy for recommendation; thereafter
6 the said committee reported favorably on said ordinance on the
7 17th day of October, 1984, which was a regular meeting
8 of said City Council; that at said regular meeting, the
9 proposed ordinance was read by title to the City Council as
10 amended and adopted by the following vote:

11 VOTING "AYE" Councilmen: Levy, Lurie and Mayor Briare

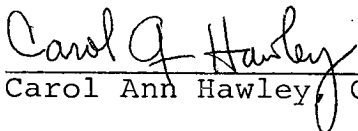
12 VOTING "NAY" Councilmen: NONE

13 ABSENT: Christensen and Nolen

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15 APPROVED:

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17 By WILLIAM H. BRIARE, MAYOR

18 ATTEST:

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20 
21 Carol Ann Hawley, City Clerk

BILL NO. 84-55

ORDINANCE NO. _____

AN ORDINANCE RELATING TO POOLS AND SPAS; AMENDING SECTION 7207 OF THAT DOCUMENT ENTITLED, TO WIT: "A SUPPLEMENTAL DOCUMENT AMENDING THE UNIFORM BUILDING CODE, 1982 EDITION" WHICH WAS ADOPTED BY TITLE 16, CHAPTER 4, SECTION 10(c) OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, 1983 EDITION; PROVIDING OTHER MATTERS PROPERLY RELATING THERETO; PROVIDING PENALTIES FOR THE VIOLATION HEREOF; AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH.

Sponsored by:

Councilman Ron Lurie

Summary: Amends that portion of the Uniform Building Code regulating pools and spas by lowering the height requirement of the protective barrier enclosing the pool or spa and by excluding those pools contemplating a more broad recreational use than just swimming or bathing from the protective barrier requirement.

THE CITY COUNCIL OF THE CITY OF LAS VEGAS, NEVADA,
DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1: Section 7207 of the Supplemental Document amending the Uniform Building Code, 1982 Edition, adopted pursuant to Title 16, Chapter 4, Section 10(C) is hereby amended to read as follows:

16.4.010: (C) Section 7207: Pool and Spa Protective Requirements.

Every [pool/spa] pool or spa located within the City shall be completely surrounded by a fence or wall not less than [six feet (6')] five feet (5') in height from the opposite side of the fence of the yard or area containing the pool with no openings larger than four inches (4") in any dimension. A structure may be used as part of such enclosure. All gates or doors opening through such enclosure shall be equipped with self-closing and self-latching devices for keeping the gate or door securely closed at all times when not in actual use except that the door of any dwelling

1 which forms a part of the enclosure need not be
2 so equipped. The duty of providing and maintain-
3 ing such enclosure shall be upon the person,
4 association, firm, or corporation occupying the
5 parcel of land upon which the [pool/spa] pool or
6 spa is located, or the owner of the parcel of
7 land which is vacant or unoccupied. An indoor
8 pool shall be maintained in a separate room of
9 any building or if in a portion of a room, a
10 protective barrier shall be used to enclose the
11 pool utilizing whatever walls are available. In
12 lieu of maintaining a wall or fence as set forth
13 above, there may be provided a [pool/spa] guard
14 who shall keep the [pool/spa] pool or spa under
15 observation at all times while water is kept there-
16 in. In the event the [pool/spa] pool or spa is
17 not under the observation of a guard at all times,
18 a [pool/spa] pool or spa cover capable of support-
19 ing three hundred (300) pounds or an alarm device,
20 approved in writing by the Building Official, may
21 be used. The Building Official is authorized and
22 empowered to modify in individual cases, the
23 requirements of this section with respect to the
24 nature and location of the fence, wall, gates, or
25 latches or with the necessity therefore, upon
26 showing of good cause and satisfactory assurances
27 that the degree of protection is not thereby
28 reduced. The Building Official may also permit
29 the use of protective devices or structures other
30 than those specified herein, as long as the degree
31 of protection is not thereby reduced.

32 This section applies only to those pools whose

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intended use is limited solely to swimming or
bathing.

SECTION 2: If any section, subsection, subdivision, paragraph, sentence, clause or phrase in this Chapter or any part thereof, is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Chapter or any part thereof. The City Council of the City of Las Vegas, Nevada, hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional, invalid or ineffective.

SECTION 3: Whenever in this ordinance any act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or whenever in this ordinance the doing of any act is required or the failure to do any act is made or declared to be unlawful or an offense or a misdemeanor, the doing of any such prohibited act or the failure to do any such required act shall constitute a misdemeanor and upon conviction thereof, shall be punished by a fine of not more than \$1,000.00 or by imprisonment for a term of not more than six months, or by any combination of such fine and imprisonment. Any day of any violation of this ordinance shall constitute a separate offense.

SECTION 4: All ordinances or parts of ordinances, sections, subsections, phrases, sentences, clauses or paragraphs
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1 contained in the Municipal Code of the City of Las Vegas, Nevada,
2 1983 Edition, in conflict herewith are hereby repealed.

3 PASSED, ADOPTED and APPROVED this _____ day of
4 _____, 1984.

5 APPROVED:

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7 By _____
8 WILLIAM H. BRIARE, MAYOR

9 ATTEST:

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12 Carol Ann Hawley, City Clerk
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1 The above and foregoing ordinance was first proposed
2 and read by title to the City Council on the ____ day of
3 _____, 1984, and referred to the following committee
4 composed of Councilmen _____ and
5 _____ for recommendation; thereafter the
6 said committee reported favorably on said ordinance on the ____
7 day of _____, 1984, which was a _____ meeting of
8 said City Council; that at said _____ meeting, the
9 proposed ordinance was read by title to the City Council as
10 first introduced and adopted by the following vote:

11 VOTING "AYE" Councilmen: _____

12 VOTING "NAY" Councilmen: _____

13 ABSENT: _____

14 APPROVED:

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16 By _____
17 WILLIAM H. BRIARE, MAYOR

18 ATTEST:

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21 Carol Ann Hawley, City Clerk

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AFFIDAVIT OF PUBLICATION

FIRST AMENDMENT

BILL NO. 84-55

AN ORDINANCE RELATING TO POOLS AND SPAS; AMENDING SECTION 7207 OF THE UNIFORM BUILDING CODE, 1982 EDITION, AS ADDED TO SAID UNIFORM BUILDING CODE BY SECTION 39 OF THAT CERTAIN DOCUMENT ENTITLED "A SUPPLEMENTAL DOCUMENT AMENDING THE UNIFORM BUILDING CODE, 1982 EDITION" WHICH IS INCORPORATED BY REFERENCE INTO THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, NEVADA 1983 EDITION, BY TITLE 16, CHAPTER 4, SECTION 10, OF SAID MUNICIPAL CODE, BY MODIFYING SAID SECTION 7207 TO CLARIFY THE REQUIREMENT OF PROTECTIVE BARRIERS AROUND CERTAIN BODIES OF WATER; PROVIDING OTHER MATTERS PROPERLY RELATING THERETO; PROVIDING PENALTIES FOR THE VIOLATION HEREOF; AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH.

Sponsored by:

Councilman Ron Lurie

Summary: Amends that portion of the Uniform Building Code regulating pools and spas by lowering the height requirement of the protective barrier enclosing the pool or spa and by excluding those pools contemplating a more broad recreational use than just swimming or bathing from the protective barrier requirement.

At a City Council meeting
September 19, 1984

BILL NO. 84-55 WAS READ BY TITLE
AND REFERRED TO

RECOMMENDING COMMITTEE:

COUNCILMEN Lurie and Levy
COPIES OF THE COMPLETE ORDINANCE ARE AVAILABLE FOR PUBLIC INFORMATION IN THE OFFICE OF THE CITY CLERK, 10TH FLOOR, CITY HALL, 400 EAST STEWART AVENUE, LAS VEGAS, NEVADA.

PUB: October 3, 1984

Las Vegas SUN

STATE OF NEVADA,
COUNTY OF CLARK

{ ss.

OCT 4 11 40 AM '84

Carol Black

CITY CLERK, being first duly sworn,

deposes and says: That he is Legal Clerk of the
LAS VEGAS SUN, a daily newspaper of general circulation, printed and published
at Las Vegas, in the County of Clark, State of Nevada, and that the attached was
continuously published in said newspaper for a period of 1 time.

from October 3, 1984 to October 3, 1984

inclusive, being the issues of said newspaper for the following dates, to-wit:

October 3, 1984

That said newspaper was regularly issued and circulated on each of the dates
above named.

Signed

Carol Black

Subscribed and sworn to before me this 3rd
day of October, 1984

Ruth V. Deskin

Notary Public in and for Clark County, Nevada

RUTHE V. DESKIN

Notary Public-State of Nevada
COUNTY OF CLARK

My Appointment Expires Apr. 14, 1985

My Commission Expires



BILL NO. 84-55

ORDINANCE NO. 3144

AN ORDINANCE RELATING TO PDDLS AND SPAS; AMENDING SECTION 7207 OF THE UNIFORM BUILDING CODE, 1982 EDITION, AS ADDED TO SAID UNIFORM BUILDING CODE BY SECTION 39 OF THAT CERTAIN DOCUMENT ENTITLED "A SUPPLEMENTAL DOCUMENT AMENDING THE UNIFORM BUILDING CODE, 1982 EDITION" WHICH IS INCORPORATED BY REFERENCE INTO THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, NEVADA, 1983 EDITION, BY TITLE 16, CHAPTER 14, SECTION 10, OF SAID MUNICIPAL CODE, BY MODIFYING SAID SECTION 7207 TO CLARIFY THE REQUIREMENT OF PROTECTIVE BARRIERS AROUND CERTAIN BODIES OF WATER; PROVIDING OTHER MATTERS PROPERLY RELATING THERETO; PROVIDING PENALTIES FOR THE VIOLATION HEREOF; AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH.

Sponsored by:
Councilman Ron Lurie

Summary: Amends that portion of the Uniform Building Code regulating pools and spas by lowering the height requirement of the protective barrier enclosing the pool or spa and by excluding those pools contemplating a more broad recreational use than just swimming or bathing from the protective barrier requirement.

The above and foregoing amended ordinance was first proposed and read by title to the City Council on the 19th day of September, 1984, and referred to the following committee composed of Councilmen Lurie and Levy for recommendation; thereafter the said committee reported favorably on said amended ordinance on the 17th day of October, 1984, which was a regular meeting of said Council; that at said regular meeting, the proposed ordinance was read by title to the City Council as amended and adopted by the following vote:

VOTING "AYE" Councilmen: Levy, Lurie and Mayor Briare

VOTING "NAY" Councilmen: None

ABSENT: Christensen and Nolen
COPIES OF THE COMPLETE ORDINANCE ARE AVAILABLE FOR PUBLIC INFORMATION IN THE OFFICE OF THE CITY CLERK, 10TH FLOOR, CITY HALL, 400 EAST STEWART AVENUE, LAS VEGAS, NEVADA.

PUB: October 20, 1984
Las Vegas SUN

AFFIDAVIT OF PUBLICATION

RECEIVED
OCT 30 4 14 PM '84

STATE OF NEVADA,
COUNTY OF CLARK

{ ss.

CITY CLERK

Carol Black

, being first duly sworn,

deposes and says: That he is Legal Clerk of the
LAS VEGAS SUN, a daily newspaper of general circulation, printed and published
at Las Vegas, in the County of Clark, State of Nevada, and that the attached was
continuously published in said newspaper for a period of 1 time.

from October 20, 1984 to October 20, 1984

inclusive, being the issues of said newspaper for the following dates, to-wit:

October 20, 1984

That said newspaper was regularly issued and circulated on each of the dates
above named.

Signed

Carol Black

Subscribed and sworn to before me this 20th
day of October 1984

[Signature]

Notary Public in and for the State of Nevada

My Commission Expires



Notary Public-State of Nevada
COUNTY OF CLARK

My Appointment Expires Apr. 14, 1985