

SFC CLERK RECORDED 03/22/2007

SANTA FE COUNTY ORDINANCE NO. 2007- /

AN ORDINANCE GOVERNING DESIGN, CONSTRUCTION, OPERATION, REPLACEMENT AND MAINTENANCE OF SWIMMING POOLS WITHIN THE UNINCORPORATED AREAS OF SANTA FE COUNTY, PROVIDING FOR MEDICAL EXCEPTIONS; REPEALING RESOLUTION NO. 2006-86.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SANTA FE COUNTY:

Section One. Applicability. This Ordinance shall apply within the unincorporated areas of Santa Fe County that are not otherwise governed by the Santa Fe County Extraterritorial Zoning Ordinance, Ordinance No. 1997-4, as amended. This Ordinance shall not apply to any development that has received final plan or plat approval, or development plan approval, that included a swimming pool or pools within the approved plat or plan, or to any Swimming Pool legally in existence at the time of enactment of this Ordinance. This Ordinance shall only apply to lots of record created prior to the enactment of the Santa Fe County Land Development Code, Ordinance No. 1996-10.

Section Two. Definitions.

(a) "Community Swimming Pool" means a pool that is regularly used by more than the members of a single household and invited guests, and may be open to the public or private.

(b) "Community Water System" shall have the meaning given in the Santa Fe County Land Development Code (1996, as amended)

(c) "Swimming Pool" or "Pool" is any container filled with water whose surface area is greater than 150 square feet, and that is intended for use for swimming or bathing, whether located indoors or outdoors. A "swimming pool" is not a spa, a hot tub, a reflecting pool, a fish or other decorative pond, a mirror pool or similar container of water whose total depth is six inches or less irrespective of surface area, or an ornamental fountain. The phrase "swimming pool" includes a lap pool whose surface area is more than 150 square feet.

Section Three. Restrictions on Construction of Swimming Pools, Temporary Restrictions on Construction of Swimming Pools

A. Construction of a Swimming Pool is not permitted unless specifically approved pursuant to the provisions of this Ordinance.

B. Construction of a Swimming Pool shall not be permitted during periods when the governing authority of the supplier of water to be used for filling and

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refilling the Swimming Pool has declared drought-related use restrictions or supply-related use restrictions, or when a water emergency is declared by Ordinance of the Board of County Commissioners.

Section Four. Permitted Swimming Pools.

A. New Construction. Construction of a new Swimming Pool shall be permitted, so long as:

(i) the property proposed for the Swimming Pool is not restricted with water restrictive covenants or otherwise to the extent that operation of a Swimming Pool on the premises is not feasible;

(ii) the water budget and restrictions, if any, on the property are adequate to permit filling the Swimming Pool initially, and refill the Swimming Pool thereafter with up to twenty percent of the Swimming Pool's total volume annually;

(iii) the water supply proposed for the pool is adequate to supply water to fill the Swimming Pool initially and refill the Swimming Pool thereafter with up to twenty percent of the Swimming Pool's total volume annually; and

(iv) the Swimming Pool is covered when not in use, except for a Community Swimming Pool.

B. Replacement Swimming Pools. An existing Swimming Pool may be replaced with a Swimming Pool without being subject to the conditions set forth in Section Five(A), so long as:

(i) the replacement Swimming Pool is of the same or similar dimensions as the pool being replaced; and

(ii) the existing Swimming Pool was properly permitted under County ordinances in effect at the time of initial construction; and

(iii) the replacement Swimming Pool is covered when not in use.

Section Five. Design.

(a) Each outdoor Swimming Pool shall employ a means to conserve and utilize rainwater falling on the cover and adjoining deck area. Such captured water shall not be accounted for in the calculation of water availability for or used by the Swimming Pool.

(b) Each outdoor Swimming Pool shall have an automatic pool cover that covers the pool when not in use or after a specified period of time. The automatic pool cover shall be kept in operable condition at all times.

(c) Each new Swimming Pool shall have a draft fire hydrant, approved by the County Fire Marshall, through which the Fire Department may draw water from the pool to fight fires in the vicinity. The fire hydrant may be tested by the Fire Marshall upon advance notice.

(d) Filtering systems employed on each new Swimming Pool, and any Swimming Pool filtering system installed after the effective date of this Ordinance, shall employ a cartridge filter or other filtering system that does not require backwashing, and which uses less than two hundred gallons of water for filter cleaning and maintenance.

Section Six. Operation.

(a) Leaks in any Swimming Pool, whether or not that pool was permitted pursuant to the provisions of this Ordinance, must be permanently and promptly repaired.

(b) All Swimming Pools must be properly cared for so as to prevent the need for draining and refilling.

(c) Sand-type filters must be replaced with cartridge-type filters, a filter using diatomaceous earth, or other current technology, when replaced, and Swimming Pools shall not be drained and painted.

Section Seven. Filling and Refilling the Swimming Pool.

(a) A Swimming Pool may be filled using water from a well, a shared well, a community water system, the County's Water Resources Department, a municipality, a mutual domestic water association, a water and sanitation district, or any other public water supply system regulated by the Public Regulation Commission. Trucked water may be used to fill and refill a Swimming Pool, but the fact that water is being trucked to the Swimming Pool shall not be used in making calculations of the ability of the relevant water source to fill and re-fill the Swimming Pool pursuant to Section 4(A) herein.

(b) A Swimming Pool shall only be filled when absolutely necessary, and no more frequently than once each year, unless the Pool must be emptied to perform repairs.

Section Eight. Application.

(a) **Application Required.** In addition to other applications that may be required through the Land Development Code, each person desiring to construct and operate a Swimming Pool must submit an application to the Water Resources Department and the Land Use Department, as follows.

(b) Application Form. The application shall be written on a form prescribed by the County, and must describe in detail the water supply to be utilized for the swimming pool.

(c) Special Submittals for Wells. For applications desiring to use a well to fill the swimming pool initially and to keep the pool filled after initial filling, a copy of the well log must be supplied along with the application. If a well that is shared among two or more property owners is to be used to fill the swimming pool initially and to keep the well filled after initial filling, a copy of any well agreement must be supplied along with the application. If a well that is shared among two or more property owners is proposed for use, a plat that shows the relevant well and the location of each property that shares the use of the well must be provided. Documentation of water uses on the property must be provided, and, if a well is metered, meter readings for the last two years must be provided.

(d) Special Submittals for Public Water Supplies. If water is to be supplied by the County, a municipality, a Mutual Domestic Water Association, a Water and Sanitation District or by a public water supply regulated by the Public Regulation Commission, a letter from the supplier agreeing to supply the necessary water to fill the Swimming Pool initially and refill the Swimming Pool thereafter with up to twenty percent of the Swimming Pool's total volume annually, must be supplied along with the application.

(e) Property Information. A copy of the deed, subdivision plat (if applicable), or development plan (if applicable) shall be submitted along with the application. If water use restrictions exist on the property, a copy of the restrictions must be submitted.

(f) Water Restrictions or Private Covenants. If the given lot is subject to water restrictions or subject to private covenants, a copy of the relevant restrictions shall be supplied along with the application.

Section Nine. Processing.

(a) Review. The application will be reviewed by the Water Resources Department who shall submit a report to the Land Use Administrator. The Administrator shall review the application, the report of the Water Resources Department, and the materials submitted, and make a determination whether the application is complete, and whether the water source identified for the Swimming Pool can supply the water needed for initial filling, and refill the Swimming Pool thereafter with up to twenty percent of the Swimming Pool's total volume annually. The Land Use Administrator shall identify any applicable restrictions. If the volume of the proposed Swimming Pool exceeds 30,000 gallons, the application shall be presented to the Board of County Commissioners for review and approval.

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(b) **Approval.** If the Land Use Administrator determines that the application is complete, that an adequate source of water exists for the proposed Swimming Pool, and that applicable restrictions are addressed, the Land Use Administrator may issue the permit.

Section Ten. Medical Exemptions. Requirements of this Ordinance may be waived by the Board of County Commissioners upon a showing that construction and use of a Swimming Pool is necessary as treatment for a medical condition.

Section Eleven. Violations. Any construction of a Swimming Pool other than as set forth herein, or failure to cover a Swimming Pool when not in use, shall be a violation of this Ordinance, and shall be punishable as a violation of a County Ordinance, as set forth in NMSA 1978, Section 4-37-3.

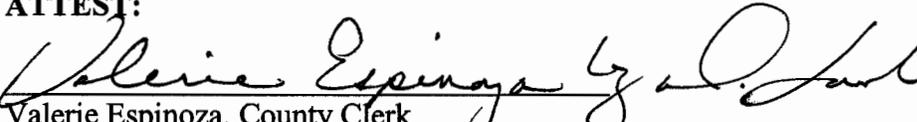
Section Twelve. Repeal. Resolution No. 2006-86 shall be and hereby is repealed.

PASSED AND ENACTED THIS 27TH DAY OF FEBRUARY, 2007.

**THE BOARD OF COUNTY COMMISSIONERS
OF SANTA FE COUNTY, NEW MEXICO**

By 
Virginia Vigil, Chair

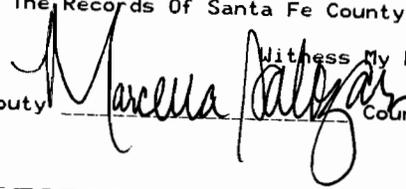
ATTEST:


Valerie Espinoza, County Clerk

Approved as to form:


Stephen C. Ross, County Attorney



COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss
BCC ORDINANCE
PAGES: 5
I Hereby Certify That This Instrument Was Filed for
Record On The 22ND Day Of March, A.D., 2007 at 09:12
And Was Duly Recorded as Instrument # 1475613
Of The Records Of Santa Fe County
Deputy  Witness My Hand And Seal Of Office
Valerie Espinoza
County Clerk, Santa Fe, NM