

SWIMMING POOLS

CHAPTER 26.

SWIMMING POOLS.¹

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Sec. 26-1. Definitions.

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

Private swimming pool. Artificially constructed swimming pools or tanks established or maintained upon any premises by any individual for his own or his family's use or guests of his household.

Public or "private club" swimming pool. Such terms shall mean and include, whether outdoor or indoor, pools which are artificially constructed to provide recreational facilities for swimming, bathing or wading. It shall not include private swimming pools or wading pools, as defined in this section, or bathing facilities installed as an integral part of a dwelling.

Wading pool. An artificially constructed pool, not designed or used for swimming, with a maximum area of one hundred twenty square feet and a maximum water depth of eighteen inches. (G.O. No. 918, § 1.)

Sec. 26-2. Location of pools in residential districts.

Public swimming pools shall be permitted in residential districts of the town when constructed, operated and supervised by either the board of education, the parochial school system, the Y.M.C.A. or the Y.W.C.A.; provided that the same shall comply with the conditions set forth under section 26-3.

¹ For state law authorizing town to regulate and license swimming pools, see N.J.S.A., § 40:98-1.

“Private club” swimming pools shall be permitted in residential districts of the town when organized, operated and supervised by a board of directors or board of governors of a private club, not less than seventy-five percent of whose members shall be residents of the town; provided, that the same shall comply with the conditions set forth under section 26-3. (G.O. No. 858, § 1; G.O. No. 918, § 1.)

Sec. 26-3. Conditions precedent to installation and operation of pools.

The installation and operation of all public or private club swimming pools shall be subject to the following conditions.

(a) No such pool shall be constructed, installed or placed in operation until application therefor has been made in accordance with the provisions of section 26-5 and until the provisions of section 26-6 to 26-9 have been complied with.

(b) Before application for a permit for a public or private club swimming pool is made, the matter shall be submitted to the board of adjustment in accordance with article 6, Section 2-c of the Zoning Ordinance (General Ordinance No. 630, as amended by General Ordinance No. 818) and the town council shall have approved such use at the location in question.

(c) The lot or plot of ground on which any outdoor pool is to be operated shall be screened from surrounding residences by trees or shrubs in a manner to be approved by the town council.

(d) Adequate off-street parking on the plot in which the pool is to be located or on land in the immediate vicinity thereof shall be provided in a manner to be approved by the town council.

(e) No outdoor public or private club pool shall be operated between the hours of 10:00 P.M. and 10:00 A.M. of the following day. All floodlights serving the pool area shall be extinguished by not later than 10:15 P.M. each night; however, that the town council may extend such time limit by resolution for special occasions such as swimming meets, diving or swimming exhibitions.

(f) The organization operating such a pool shall submit for approval to the town council the rules and regulations governing the operation of such pool, and the approval of such rules and regulations may be a condition precedent for granting the permit. (G.O. No. 858, § 1.)

Sec. 26-4. Permits – Required.

It shall be unlawful to establish or construct a swimming pool without first having obtained a permit therefor. No permit shall be required for a wading pool. (G.O. No. 812, § 3; G.O. No. 858, § 2.)

Sec. 26-5. Same – Applications; plans and specifications; fee.

Applications for a permit to install or construct a private swimming pool shall be made on such form or forms as may be required by the building inspector and shall be accompanied by a description giving the size, shape and capacity along with description of materials of construction, the location on the lot and the name and address of the

applicant. The building inspector shall not pass on the structural features or durability of the pool, but shall issue a permit for the installation or construction of a private swimming pool; provided, that same comply with the provisions of this chapter, the Building Code and Zoning Ordinance;² and provided further that the application for same as been approved in writing by the board of health.

A fee of ten dollars shall be charged by the building inspector for such a permit. (G.O. No. 812, § 4, G.O. No. 966, § 1.)

Sec. 26-6. Materials used for construction.

All material used in the construction of swimming pools shall be waterproof and easily cleaned. The bottom and sides of the pool shall be either white or a light color, except that aluminum paint shall not be used as a finish. Sand or earth bottoms shall be used. (G.O. No. 812, § 5.)

Sec. 26-7. Water supply.

There shall be no physical connection between a potable public or private water supply system and swimming pools at a point below the maximum flow line of the pool or to a recirculating or heating system of a pool, unless such physical connection is so installed and operated that no pool water can be discharged or siphoned into a potable water supply system. (G.O. No. 812, § 6.)

Sec. 26-8. Discharge system.

All swimming pools hereafter constructed shall be provided with not over one two-inch diameter galvanized iron pipe or approved equal drain extending from the pool to either a brook storm sewer or sanitary sewer where the capacity is adequate, as determined by the town engineer.

No pool drain shall be connected to the sanitary sewer system if a storm drain or brook is reasonably accessible to the premises upon which the pool or brook is reasonably accessible to the premises upon which the pool shall be located. Where, however, only the sanitary sewer system is available for the discharge of pool water, such discharge will be permitted into such sanitary sewer, providing the pool capacity does not exceed thirty-six thousand gallons. Where such drainage is into a sanitary sewer, the pool shall not be drained more than once each year and only then upon a permit from the town engineer and a time designated by the town engineer. (G.O. No. 812, § 7.)

Sec. 26-9. Disinfection and filtering and bacteriological standards.

All swimming pools shall be so constructed, installed and maintained as to provide necessary equipment for chlorination and other disinfection and filtering to comply with such approved bacteriological standards as may be promulgated by regulation issued by the town board of health. (G.O. No. 812, § 8.)

² As to the Building Code, see art. 111, ch. ? of this Code. As to the Zoning Ordinance, see Appx. 11 of this volume.

Sec. 26-10. Location in relation to property lines or street lines.

No swimming pool shall be constructed or installed nearer than ten feet to any property line, nor nearer to the street line on which the property fronts than the main front wall of the dwelling erected thereon. No swimming pool or wading pool shall be constructed or installed on any lot unless upon the lot shall be located a residence building as permitted in Residence A and B Zones. (G.O. No. 812, § 9.)

Sec. 26-11. Lighting.

No artificial lighting shall be maintained or operated in connection with a swimming pool in such manner as to be a nuisance to or an annoyance to neighboring properties. (G.O. No. 812, § 10.)

Sec. 26-12. Fencing of outdoor private swimming pools.

All out door private swimming pools shall be enclosed by a substantial fence not less than forty-eight inches in height, so constructed as not to have openings, holes or gaps larger than four inches in any dimension, except for doors and gates, and which shall have a similarly substantial gate the same height as the fence with facilities for locking such gate when the pool is unguarded. Such gate is to be kept closed and locked at all times, except when open for the purpose of ingress and egress. The provisions of this section shall not apply to wading pools or to public swimming pools or private club swimming pools.

The provisions of this section shall be applicable to all outdoor private swimming pools, either now in existence or to be hereafter constructed, and the owner of any property on which such a pool is now constructed shall comply with the terms of this section by not later than May 1, 1960, which period is hereby determined to be a reasonable time within which to comply with these requirements; provided, that owners of presently installed pools may apply for an exception to this requirement.

In the event that any pool is distant at least one hundred feet from the nearest street line and is distant at least one hundred feet from the nearest dwelling on adjacent properties, then the owner of the premises on which such pool is situated may apply for an exception of the provisions of this section. (G.O. No. 868, §§ 10-A to 10-C.)

Sec. 26-13. Appeals to board of adjustment – Generally.

The board of adjustment is hereby empowered to hear appeals from the provisions of the requirements of this chapter by owners of pools which otherwise would qualify under such section and to recommend any exception or variance to the town council. All such appeals to the board of adjustment and appeals from any action taken by any official or official body shall be processed in accordance with Appendix B – Article XI and Article XIII of this Code. (G.O. No. 868, §10-D; G.O. No. 918, § 2.)

Sec. 26-14. Same facts to be considered by board.

The board of adjustment, in acting on any appeal for variance from the provisions of this chapter, shall be guided by and consider the following facts, in addition to such other facts as it may deem appropriate:

(a) The character of the general neighborhood of the property surrounding that on which the pool is located, including the density of the population and the nature and density of vehicular and pedestrian traffic.

(b) The number of children residing in such neighborhood.

(c) The accessibility of the pool to children living in the neighborhood and the probability of whether children would ordinarily have access to such pool.

(d) The installation of hedges, trees, screens or other factors which would tend to isolate the pool from the general public and particularly children.

(e) The size and shape of the property on which the pool is located, with particular regard to the distance of the pool from the property lines.

(f) Any set of facts which may tend to show a reduction of hazards in connection with the property on which the pool is located.

(G.O. No. 868, § 10-E; G.O. No. 918, § 3.)

Sec. 26-15. Compliance with requirements of health authorities; abatement of nuisances.

Every swimming pool constructed or to be constructed in the town shall at all times comply with the requirements of all health authorities having jurisdiction in the premises. Any nuisance or hazard to health which may exist or develop in or in consequence of or in connection with any such swimming pool shall forthwith be abated and removed by the person in possession of such pool, upon receipt of notice from the building official, health officer or other designated person so requiring. (G.O. No. 812, § 11.)