

BOROUGH OF NORTHVALE
County of Bergen
State of New Jersey

ORDINANCE #843-2007

SWIMMING POOLS

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GENERAL REFERENCES

1. Purpose

The purpose of this Ordinance is to regulate the installation of swimming pools to prevent adverse affects of drainage onto adjacent properties. No Person shall install a swimming pool unless a permit therefore shall have been issued by the Borough.

2. Administration

The provisions of this chapter shall be administered by the Construction Code Official of the Borough and shall be enforced by the Construction Code Official with the cooperation of the Board of Health and its officers, as indicated herein, and all other persons required to enforce the ordinances of the Borough.

3. Definitions

As used in this chapter, the following terms shall have the meanings indicated:

PERMANENT SWIMMING POOL- Any pool and appurtenances, whether located indoors or outdoors, used by any person for recreational swimming or bathing and having a depth of 12 inches below the level of surrounding land, a deck area of 10 square feet or more and a capacity of 10,000 gallons or more.

PERSON – Any natural person, corporation, limited liability company, partnership or other entity recognized under the laws of the State of New Jersey. For purposes of this Ordinance, Person shall include a property owner and contractor.

PORTABLE POOL- Any above-surface type of swimming pool constructed of canvas, rubber, plastic or other material or materials, not designed or intended to be stationary or permanently fixed, but designed or intended to be moved, removed or stored.

WADING POOL- any shallow pool, with less than a twelve-inch depth capacity, not included under the definitions of permanent or portable swimming pool.

4. Permits

A. Application for permits for the construction and maintenance of any Permanent Swimming Pool shall be made to the Construction Official. The application shall be accompanied by (3) three sets of plans, specifications, and a site plan, signed, sealed and certified by an engineer and land surveyor licensed by the State of New Jersey, which plan shall indicate prior and proposed elevations; pool lines; the location, height, and type of all existing fencing or walks on the boundary lines of the property; and the type and height of fencing or enclosure as may be required by this chapter. The applicant shall also submit information as to the plumbing and filtration systems. With respect to Permanent Swimming Pools, the application shall also include drainage and runoff calculations prepared by a civil engineer licensed in the State of New Jersey.

B. Applicants shall pay a fee to the Borough for a permit to erect a Permanent Swimming Pool which permit fee shall be inclusive of the permit fee required for the erection of any accessory structure or structures to be used in connection with such swimming pool and which shall be at the same rate as it is provided for other improvements in the Borough. The permit fee will be as set forth in the current fee schedule.

C. No permit for a Permanent Swimming Pool shall be issued by the Construction Official until the plans; specifications and plot plan have been approved by the Plumbing Inspector, Sanitary Inspector, Board of Health, and the Borough Engineer. **[Such approvals must be directly obtained by the applicant].** No permit shall be issued unless and until approvals of the Building Department, the Board of Health and compliance with the provisions of this chapter are all presented to the Construction Official. Any pool requiring a change of contour or movement of soil shall require the applicant to file a site plan sealed by a licensed engineer and shall also be filed with the Borough Engineer. The applicant shall deposit a \$500.00 escrow at the time the application is filed, which shall be used to pay the cost of review by the Borough Engineer. The escrow shall be subject to and governed by the provisions of N.J.S.A. 40:55D-53.2.

D. The Board of Health shall review all plans and specifications assuring that the appropriate sanitary systems and safeguards are to be included. The Board shall forward the recommendations to the Construction Official for consideration prior to the making of the final determination. The Board of Health may establish a reasonable fee for its functions as provided for in this section.

E. No permit shall issue if, in the opinion of the Borough Engineer, based upon the plans submitted by the applicant, the proposed swimming pool will result in any additional runoff onto any adjacent property.

5. Construction

A. All materials used in the construction of portable swimming pools, permanent swimming pools, and wading pools, whether built in the ground or above the ground, shall be constructed of such materials as shall be waterproof and so designed and constructed as to facilitate the emptying and cleaning thereof. All pools shall be maintained and operated in such a manner as to be clean and sanitary at any time when such pool is in use or at such times as the same shall be subjected to or available for use.

B. It shall be unlawful to use any temporary electrical connections in or about any portable swimming pool, private pool or wading pool or within 12 feet thereof or as required by the National Electric Code or IRC. All electrical connections shall be waterproof type and shall bear the seal of approval of the Underwriters' Laboratories and shall be adequately and effectively grounded in accordance with all electrical codes. Underwater pool lighting fixtures shall be approved by the Construction Official and Building Sub-Code Official as to design and installation prior to use. The Construction Official and Building Sub-Code Official may require inspection by the Underwriters' Laboratories as further evidence of proper installation of electrical equipment.

6. Water Supply

A. There shall be no physical connection between a potable public or private water supply system and any Permanent Swimming Pool, Wading Pool, or Portable Pool below the maximum waterline of the pool or to a re-circulating or heating system of said pool. The piping system shall be designed to circulate pool water through filtering equipment, and all water used shall be potable as is established by standards set by the State of New Jersey for potable water and shall be subject to inspection by the Health Department of the Borough. The installation, repair, and control of all plumbing facilities used to service any pool shall comply with the Borough Building and Plumbing Codes and Chapter 200 Zoning.

B. All circulating units shall have sufficient capacity to re-circulate the entire contents of a pool within 24 hours or less.

C. Any pool having a capacity in excess of 750 gallons shall have pumps for re-circulating, including filters and disinfecting equipment.

7. Discharge System

All Permanent Swimming Pools or Portable Pools, now constructed, installed, established or maintained, or hereafter constructed, installed, established or maintained, within the Borough shall be provided with the necessary equipment to completely pump out or empty said pool or shall be emptied by providing one drainage outlet to be installed at the lowest point of said pool not in excess of three inches in diameter, extending from said pool to either a storm sewer catch basin, lawn watering system, adequate dry well or sand filtering pit on the premises on which said private pool is located. The discharge of water from pools into storm sewers shall be permitted only where the capacity is adequate as determined by the Borough Engineer. No permanent pool drain, wading pool drain or portable pool drain shall be connected into the sanitary sewer system. The discharge of said waters shall in no case cause or create a nuisance to the abutting property, and the discharge of waters, either directly or indirectly, upon the property of others shall be deemed a nuisance under the terms of this chapter and Property Maintenance Code.

8. Disinfection of Pools

The physical, chemical, and bacterial qualities of pool water shall comply with the latest recommendations made by the latest edition of Standard Methods for the Examination of Water and Waste Water, published jointly by the American Water Works Association and the Water Pollution Control Federation, a copy of which is on file in the office of the Borough Clerk. No water shall be used for swimming purposes which, when tested, shall show coliforms contained therein. For the purpose of this chapter, the use of disinfecting agents approved by the National Swimming Pool Institute, or such disinfecting agents as shall meet the same or higher standards, shall be deemed compliance.

9. Fencing of Pools

A. All Permanent Swimming Pools now existing or hereafter constructed, installed, established, or maintained shall be completely and continuously surrounded by a permanent durable wall, fence, or barrier which shall be no more than six feet nor less than four feet in height above grade, and shall be so constructed as to have no opening,

mesh, hole, or gap larger than two inches in any dimension, except for doors and gates; provided, however, that if a picket fence is erected or maintained, the horizontal dimension of any gap or opening shall not exceed two and a half inches. All fences shall be constructed in accordance with other Borough ordinances regulating fences and as regulated by the IBC Residential Code. No fence of any kind or material shall be constructed or maintained which shall contain projections of any kind at any point on the outer surface of the said fence. A dwelling house or accessory building may be used as part of such enclosure. All gates used in conjunction with any of the above-described enclosures shall conform to the specifications required above as to height and dimensions of openings, mesh, holes, or gaps in the case of fences, and all gates and doors 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. Gates and doors shall be locked when the pool is not in use or is unguarded or unattended; provided, however, that nothing herein contained shall be construed to require the construction of an additional wall, fence, or barrier where, in lieu thereof, the entire premises of a part thereof wherein the pool is contained shall be fully enclosed by a wall, fence, or barrier which meets the specifications set forth herein.

B. Every Portable Pool shall be enclosed by a durable wall, barrier, or fence as described in the preceding subsection, unless such portable pool be:

(1) Emptied when not in use or unattended; or

(2) Covered with a suitable, strong, protective covering fastened or locked in place when not in use or unattended. A cover shall be considered to be of sufficient strength and securely fastened or locked in place if, when fastened or locked in place, it will support a minimum dead weight of 200 pounds.

C. All pools considered as aboveground type having a height above the ground level of not less than four feet (48 inches) shall be exempt from perimeter fencing only when the pool is provided with additional fencing above forty-eight-inch or four-foot minimum and be supplied with a gate and lock to deny access when a pool is not in use. Swing up ladders and detachable ladders are not permitted by the IBC Residential Code.

10. Location of Permanent Swimming Pools

A. All Permanent Swimming Pools shall be placed so to comply with the following:

(1) Not less than fifteen feet from side yard in the R-12.5 Zone;

- (2) Not less than ten feet from side yard in the R-7.5 Zone; and
- (3) Not less than ten feet from the foundation of any residential structure.

B. Portable Pools. All newly erected Portable Pools shall comply with the setback requirements set forth in Subsection A above, except that no Portable Pools shall be placed less than five feet from the foundation of any residential structure.

C. An applicant may seek relief from the Board of Adjustment from any of the provisions of this Section 10(A) and (B). The criteria and hearing procedure to be applied by the Board of Adjustment shall be the same as for variances pursuant to N.J.S.A. 40:55D-70(c) as well as the negative criteria. An applicant shall pay the Borough an application fee and escrow as currently extant for a residential application with respect to N.J.S.A. 40:55D-70(c) and as may be changed from time to time.

11. Closing of Pools

A. All pools supplied by a public or quasi-public water supply system and not equipped with facilities for re-circulation and reuse of pool water shall be subject to closure by order of the Mayor of the Borough during any period of emergency water storage declared by a duly authorized public official.

B. Whenever any pool is a hazard to the health of the public, the Sanitary Officer of the Borough or any Borough Health Official is authorized to summarily close such pool. Upon failure of the owner or the person in charge thereof to abate such hazard to the public health within 12 hours following receipt of notice, written or oral, to keep such pool closed unless retested by such official and approved for use, the owner or person in charge of the pool shall have the right to appeal the decision of the official of the Board of Health of the Borough. However, such appeal shall not stay the action of the Sanitary or Health Officer.

C. In the case of unused, abandoned pools of any type when the Construction Official, Health Officer, or Sanitary Officer determines that said pool is a hazard to the public health or safety, said officer is authorized by this chapter to drain or cover said pool, or both, at expense of the owner.

12. Lighting, Noise, and Nuisances

A. No artificial lighting shall be maintained or operated in connection with a Permanent Swimming Pool, Wading Pool, or Portable Pool in such a manner as to be a nuisance or annoyance to neighboring properties. Such lighting shall not shine directly upon any abutting property. No unshielded lights shall be permitted.

B. No excessive noise or other nuisance which annoys or disturbs the comfort of anyone on neighboring properties shall be permitted in connection with the operation of maintenance of any Permanent Swimming Pool, Wading Pool, or Portable Pool.

13. Enforcement

A. Every Permanent Swimming Pool, Wading Pool, or Portable Pool constructed, installed, established, or maintained in the Borough shall at all times comply with the requirements of the local Board of Health. Any nuisance or hazard to health, which may exist or develop in, or in consequence of, or in connection with any such pool, shall be forthwith abated and removed by the owner, lessee, or occupant upon receipt of notice from the Board of Health of the Borough.

B. It shall be the duty of the Sanitary and Health Officer and/or the Construction Official to enforce the provisions of this chapter.

C. The owner or operator of any pool within the Borough shall allow said Sanitary and Health Officer and/or Construction Official access to any Permanent Swimming Pool, Wading Pool, or Portable Pool and appurtenances thereto for the purpose of inspecting to ascertain compliance with this chapter and all other pertinent ordinances, at all reasonable times.

14. Violations and Penalties

Any person violating any of the provisions of this chapter shall, upon conviction thereof, be liable to the penalty stated in Chapter 1, General Provisions, Article.

15. Severability

If any section, sentence, clause or phrase of this Ordinance is, for any reason whatsoever, held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Ordinance.

16. Effective Date

This Chapter shall become effective upon final passage and publication as required by law.

MAYOR JOHN S. HOGAN

ATTEST:

Wanda A. Worner

Introduced: May 9, 2007

Passed: June 11, 2007