

Chapter 392. Swimming Pools

[HISTORY: Adopted by the Mayor and Council of the Borough of Dumont by Ord. No. 667 (Ch. 19 of the 1970 Revised Ordinances); amended in its entirety at time of adoption of Code (see Ch. 1, General Provisions, Art. III). Amendments noted where applicable.]

GENERAL REFERENCES

Uniform construction codes — See Ch. 182.

Property maintenance — See Ch. 306.

Soil removal — See Ch. 362.

Sewers — See Ch. 339.

Stormwater management and control — See Ch. 374.

Zoning — See Ch. 455.

§ 392-1. Definitions.

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

CONSTRUCTION

Includes the building or constructing or installing a new swimming pool or enlarging an existing swimming pool or any of the facilities.

PORTABLE POOL

Any above-surface type of swimming, bathing or wading pool and all equipment and appurtenances thereto, not designed or intended to be stationary or permanently fixed, but designed and intended to be removed and stored.

SWIMMING POOL

Any private pool, whether permanently constructed or of the portable type, having a depth of more than 18 inches below the level of the surrounding land or any above-surface pool having a depth of more than 30 inches, designed, used and maintained for swimming or bathing purposes by an individual for use of the members of the household and guests and located on the applicant's land as an accessory use to a residence, and shall include all buildings, equipment, structures and appurtenances thereto.

WADING POOL

Includes any shallow pool not included under the definition of "swimming pool."

§ 392-2. Scope and application of article.

- A. The application of the provisions of this chapter to a "permanent type" swimming pool constructed prior to May 28, 1963 shall be as follows:
 - (1) Such pool shall not be subject to the requirements of § 392-7 pertaining to distance of pool from boundary lines, and the like, unless an enlargement of facilities is sought.
 - (2) Such pool shall be exempt from requirements under §§ 392-3 and 392-4 pertaining to permits and fees, unless an enlargement of facilities is sought.
 - (3) Such pool, however, shall be subject to all the provisions and regulations of this chapter relating to safety and sanitation, subject to the right of appeal to the Mayor and Council.
- B. The provisions of this chapter shall not appertain to wading pools or portable pools, unless specific reference is made in any section herein to any such type of pool.

§ 392-3. Permit required.

No person shall construct, erect, install or alter a swimming pool in the Borough without first having obtained a permit therefor and without complying with the provisions of this chapter.

§ 392-4. Application for permit; fees; accompanying data.

Application for a permit under this chapter shall be made to the Building Inspector and shall be accompanied by the following:

- A. Plans and specifications or proper description brochures, in duplicate.
- B. Plot plans, and/or survey, prepared by a licensed surveyor or engineer, in duplicate, showing property lines of the premises upon which the swimming pool is to be constructed or installed, all existing houses and structures thereon, abutting streets and properties and the location and dimensions of the proposed pool and its auxiliary structures, including topographic information and spot grades in the affected yard, as well as 10 feet onto all adjacent properties, to demonstrate that the proposed pool construction will not impact drainage, and on which the licensed professional has located the proposed pool and certified that said location is accurate; the certification shall also set forth the area of the rear yard and the area of the pool and its accessory structures as calculated by the licensed professional and a description of the enclosure or fence to be used.
- C.

The pool, its apron and any structures accessory to the pool shall be included in determining lot coverage. The water surface area of a private swimming pool hereafter constructed or enlarged shall not exceed 25% of the actual rear yard area, such rear yard area being determined for this purpose by projecting the rear line of the residence building to the side lines of the lot and determining the area to the rear of that line. In all cases, the pool shall be located behind the rear line of the existing structures adjacent thereto.

- D. Where the pool is installed on a corner lot, the side nearest the street shall be screened with shrubs no less than four feet in height above ground level.
- E. A description, in duplicate, of the method of disinfection, treatment and disposal of the water to be used.
- F. A fee of \$150 for any aboveground pool, and \$75 for the first \$1,000 or fraction thereof, plus \$10 for each additional \$1,000 or fraction thereof, of the estimated cost of construction for any in-ground pool.
[Amended 9-21-2010 by Ord. No. 1417]
- G. After completion of the pool, the licensed professional shall certify that the pool was actually constructed in the location as indicated on the aforementioned survey.

§ 392-5. Procedure respecting application for permit; duties of Building Inspector.

- A. The Building Inspector shall, within 15 days after receiving an application for a permit:
 - (1) Approve the application as submitted and cause the permit to be issued; or
 - (2) Require an amendment to the application to assure proper compliance with the provisions of this chapter and then cause the permit to be issued; or
 - (3) Reject the application when it is determined that a permit should not be issued. In such event an appeal to the Mayor and Council shall be available to the applicant.
- B. The Building Inspector shall file the duplicate set of plans and specifications with the Board of Health of the Borough prior to the issuance of a permit.

§ 392-6. Construction and maintenance.

All materials used in the construction of swimming pools shall be waterproof and so designed and constructed as to facilitate emptying and cleaning, and shall be maintained and operated in such manner as to be clean and sanitary at all times. Inlets shall be so located and spaced as to secure satisfactory

§ 392-11. Water use.

All pools referred to in § 392-1 not equipped with facilities for the recirculation and reuse of the pool water, may be subject to closure by order of the Board of Health during any period of emergency water shortage.

§ 392-12. Safety regulations.

- A. Every swimming pool having a depth of 18 inches below the level of the land surrounding the pool, and above-surface pools of a height of 18 inches or greater, shall be completely surrounded by a fence or wall of substantial construction, not less than six feet in height, which shall be constructed so as not to have openings, holes or gaps larger than two inches in dimension, except for doors and gates. Such fence and any gate shall be so designed, constructed and maintained as to prevent access to the pool by children at any time except when the pool is in use under the supervision of the possessor of the pool or by permission of the owner.
[Amended 9-21-2010 by Ord. No. 1417]
- B. Said fence or wall enclosures shall be so designed and constructed as to reasonably prevent any person from gaining access beneath, through or over the same and shall be provided with one or more substantial gates or doors of the same height as the fence or wall enclosure, each gate or door to be equipped with a self-closing and self-latching device capable of keeping said gate or door securely closed.
- C. Complete enclosure of the yard in which a pool is located by a fence and gate of the type mentioned in Subsections A and B of this section shall constitute compliance with this section.
- D. Any ordinance requiring the obtaining of a permit for the erection of a fence shall not apply to fences erected pursuant to the provisions of this chapter except in such case where a fence is erected along a property line.
- E. Any access ladder or steps used in connection with the above-surface type pool or portable pool shall be removed from the pool when the same is not in use, unless the same is enclosed by a fence.
- F. Lights used to illuminate any pool shall be so arranged and shaded as to reflect light away from the adjoining premises.

§ 392-13. Use of public water.

No public water shall be used in connection with the operation of any private swimming pool during any time when restrictions are imposed upon the use of such public water.

§ 392-14. Filtration.

Every pool shall be equipped with such filtration, circulation, clarification and chlorination systems as may be required under regulations of the Borough Board of Health to maintain the water in a clean and healthful condition.

§ 392-15. Summary closing of pool for violations.

Whenever any pool set forth in § 392-1, by reason of mechanical defects or failure to comply with the requirements of this chapter, is a hazard to the health of users thereof, the health officer may summarily close such pool and keep such pool closed until no further hazard to users of the same exists, subject to the right of appeal to the Board of Health by the owner of such pool, which appeal shall not stay the action of the health officer.

§ 392-16. Variance.

The Borough Council may, upon the recommendation of the Building Committee, by resolution, grant a variance of the provisions of this chapter in specific cases, consistent with public safety and the general provisions and intent of this chapter; provided, however, that when any question of sanitation is involved, such variance may be allowed only if the same is also recommended by resolution of the Board of Health and it has been thereby determined and declared that such variance will not be harmful to public health.

§ 392-17. Violations and penalties.

Any person who violates any provision of this chapter shall, upon conviction thereof, be punished by a fine not less than \$500 nor more than \$1,000, or by imprisonment for a term not exceeding 90 days, or both.