



**2022
BOROUGH OF DUMONT
ORDINANCE**

MEMBERS	AYE	NAY	ABSTAIN	ABSENT
GORMAN	✓			
HARVILLA	✓			
NOVOA	✓			
ROSSILLO	✓			
RUSSELL	✓			
STEWART	✓			
MAYOR LABRUNO				
TOTALS	6			

Ordinance No. 1605
 Date: April 26, 2022
 Page: 1 of 7
 Subject: Chapter 392 – Swimming Pools
 Purpose: Amend Borough Code
 Dollar Amount: _____
 Prepared By: Jeanine E. Siek, RMC

Offered by: NOVOA
 Seconded by: Gorman

Certified as a true copy of an Ordinance Adopted on 2nd Reading by the Governing Body of the Borough of Dumont on the above date at a Public Meeting by:

Jeanine E. Siek

Jeanine E. Siek, RMC, Municipal Clerk
Borough of Dumont, Bergen County, New Jersey

ORDINANCE OF THE BOROUGH OF DUMONT, COUNTY OF BERGEN, STATE OF NEW JERSEY, AMENDING CHAPTER 392-1 OF THE BOROUGH CODE – SWIMMING POOLS

§ 392-1 Definitions.

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

CONSTRUCTION

Includes the building or constructing of 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 to be disassembled for storage or transport. This includes portable pools with flexible /non-rigid walls that achieve their structural integrity by means of uniform shape, support frame or a combination thereof, and can be disassembled for storage or relocated. No portion of a Portable Pool may be more than 18 inches in the ground at existing grade.

SWIMMING POOL

Any private pool, or Exercise Spa, Permanent Residential Spa or Portable Residential Spa (as defined by the International Swimming Pool and Spa Code), 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 36 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.

§ 392-2 Scope and application of chapter.

- A. Portable pools as defined herein shall be subject to the setback regulations specified under § 392-7; however, the surface area of a portable pool shall be exempt from the impervious coverage limitations of the Zoning Code, portable pools shall be removed on or before November 1.
- B. The Borough Adopts the International Swimming Pool and Spa Code as presently enacted and subsequently modified, to the extent it does not contradict the Borough Code, in which case the Borough Code shall govern.

§ 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. 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.
- D. A description, in duplicate, of the method of disinfection, treatment and disposal of the water to be used.
- E. Fees shall be as set in Ordinance 182-2.

After completion of the pool, the licensed professional shall certify that the pool was constructed in the location as indicated on the aforementioned survey.

- G. In-ground swimming pool requirements.
 - (1) All pools which are set 18 inches or more into the existing grade are classified as “inground pools.” A soil-moving permit must be completed, showing the amount of soil to be disturbed, amount of soil to be removed and amount of soil to be exported.
 - (2) Cut and fill calculations shall agree with the soil-moving permit.
 - (3) Drainage calculations.
 - (4) All seepage pits being installed shall have a percolation test.
 - (5) A site plan showing all topographical contours prepared by a registered design professional.
 - (6) Total rear yard coverage for accessory structures and/or uses shall not exceed 25%.
 - (7) Inground pools shall be a minimum of 10 feet from all property lines and shall not be nearer to any street line than 25 feet.
 - (8) Pool equipment, walkways, decking and pool patios shall be a minimum of 10 feet from all property lines.

- (9) Cabanas (not to exceed 150 square feet) shall be a minimum of five feet from all property lines.

§ 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 dispersion of inflowing waters throughout the pool, and to permit draining, cleaning and disinfecting of the bottom and sides. Sand or earth bottoms shall not be used.

§ 392-7 Location.

All swimming pools and Permanent Residential Spas of permanent or stationary type of construction shall not be constructed, installed, located, maintained or operated within six feet of any property boundary line or of any dwelling located on said premises for an aboveground pool and within 10 feet of any property line for an in-ground pool, nor nearer to any street line than 25 feet as measured from the property line.

Portable pools may not be constructed, installed, located, maintained, or operated within six feet of any property boundary line or of any dwelling located on said premises.

A Portable Residential Spa may not be constructed, installed, located, maintained, or operated within six feet of any property boundary line or 4 feet of any dwelling located on said premises.

§ 392-8 Electrical installations.

Electrical fixtures, wiring and installation thereof used in connection with a pool shall conform to the standards of the National Electric Code and the National Fire Protection Association for electrical wiring and apparatus.

§ 392-9 Chlorination, disinfection and filtering equipment; sanitary quality of water.

- A. All swimming pools, including the portable pools, shall be so constructed, installed and maintained as to provide necessary equipment for the chlorination and other disinfection and filtering to comply with approved bacteriological standards as may be promulgated by ordinance or regulations issued by the Board of Health of the Borough and the New Jersey State Department of Health and Senior Services.
- B. The physical, chemical and bacterial qualities of the water of swimming pools and portable pools shall comply with the regulations and standards provided in the ordinances or regulations of the Borough's Board of Health.

§ 392-10 Water supply.

There shall be no physical connection between a potable (public or private) water supply system and a swimming pool, or portable pool or Spa, at a point below the maximum flow 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.

§ 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 or spa of a height of 18 inches or greater, shall be completely surrounded by a fence or wall of substantial construction, not less than five 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.
- 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.

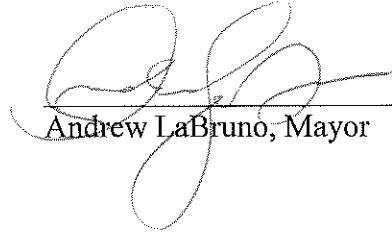
§ 392-16 Variance.

The Joint Land Use Board may, 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.**

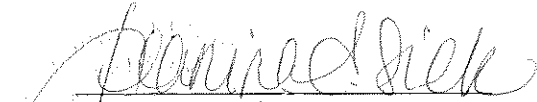
Any person who violates any provision of this chapter shall, upon conviction thereof, be punished by a fine not less than \$500 nor more than \$1,000, or by imprisonment for a term not exceeding 90 days, or both.

Effective Date. This Ordinance shall take effect upon final passage and publication pursuant to law.



Andrew LaBruno, Mayor

Attest:



Jeanine E. Siek, RMC
Municipal Clerk

Introduced: March 22, 2022
Adopted: April 26, 2022

