

CHAPTER XXIV

PRIVATE SWIMMING POOLS

24-1 DEFINITIONS.

Portable pool shall mean any above-surface type of swimming, bathing or wading pool or tank not designed nor intended to be permanently affixed to the ground and which is capable of being removed for storage.

Private swimming pool shall mean any artificially constructed swimming pool, wading pool or tank, permanent or portable in nature, either more than eighteen (18") inches in water depth at any point or more than one hundred (100) square feet in water surface area, which is designed, used or intended to swimming, bathing or wading purposes and which is established or maintained upon any premises by any person for his own use or for the use of his family or for the use of guests of his household.
(Code 1971, § 81-1)

24-2 FENCES.

- a. All private swimming pools or additions thereto shall be completely surrounded and enclosed by a substantial self-supporting fence or wall of the type and dimensions as set forth in the International Residential code 2009 New Jersey Edition, as may be amended and supplemented in the future, and any future Editions.
- b. All private swimming pools of the portable type, unless enclosed by a fence or wall of the type and dimensions hereinafter specified, shall be either:
 1. Emptied when not in use or properly supervised; or
 2. Covered with a suitable, strong, protective covering securely fastened or locked in place, which covering shall support at least a minimum dead weight of one hundred (100) pounds when not in use or properly supervised;

provided, however, that any private swimming pool of the portable type erected above the ground to a height of at least four (4') feet and the sides of which are

so constructed as not to permit access to the water area by climbing shall not be required to be enclosed by the hereinafter described fence or wall.
(Code 1971, § 81-2; ord. #O-12-18 § 2)

24-3 PERMIT REQUIRED.

- a. It shall be unlawful hereafter to establish or construct or alter a private swimming pool without first having obtained a permit and Certificate of Occupancy from the Construction Code Official in the manner hereinafter prescribed; provided, however, that no permit shall be required for any portable pool less than eighteen (18") inches in water depth at any point and with a water surface area of less than one hundred (100) square feet.
- b. It shall be unlawful to establish, construct, alter or maintain a private swimming pool which is not in accordance with the provisions of this chapter.

(Code 1971, § 81-4)

24-4 APPLICATION FOR PERMIT.

Application for the permit specified in paragraph a. above shall be made to the Building Official, on forms to be supplied by him, by the owner of the property or by the contractor in the name of the owner. The application shall be accompanied by two (2) sets of:

- a. A plot plan showing property lines of the premises on which the private swimming pool is to be located, all existing houses and structures thereon, and the location and dimensions of the proposed private swimming pool or alterations, remodeling or additions thereto, and the distances between the nearest public road and the private swimming pool.
- b. Plans and specifications for the proposed private swimming pool and all auxiliary structures and appurtenances related thereto and the location and height of the fence or wall, if required, together with the gate and its locking device.

(Code 1971, § 81-5)

24-5 APPROVAL REQUIRED.

No permit, as specified and provided for in Section 24-5 shall be issued by the Building Official until the plot plans and specifications have been approved by the Township Engineer, who shall determine that the private swimming pool as set forth thereon is capable of safely containing the volume of water for which the pool is designed to accommodate. In the event that the

Department of Community Services shall formulate rules and regulations designed for the control of such private swimming pools, the Building Official shall not issue his permit until approval has been received from the Division of Health.

(Code 1971, § 81-6; Ord. #11-10)

24-6 FEE SCHEDULE.

Upon the filing of the application, a fee in the amount set forth herein shall be paid to the Building Official.

The permit fee is ten (\$10.00) dollars per one thousand (\$1,000.00) dollars of cost.

(Code 1971, § 81-7)

24-7 DISTANCE FROM PROPERTY BOUNDARY LINE OR STREET LINE.

All private swimming pools shall be constructed in conformance with Section 54-108(2) (c) of the Rockaway Township Zoning and Land Use Regulations. No private swimming pool shall hereafter be constructed or installed within ten (10') feet of any property boundary line nor nearer to the street line on which the premises fronts than the main rear wall of the dwelling erected thereon. No private swimming pool shall hereafter be constructed or established on any lot unless there is a dwelling located on the lot or contiguous lot(s) owned by the same owner.

(Code 1971, § 81-8)

24-8 WATER DISPOSAL.

No private swimming pool which is in existence now or constructed, installed or established hereafter shall have a drain which is directly or indirectly connected to the municipal sanitary sewer system, and water therefrom shall not be emptied in any manner, whatsoever into any municipal sanitary sewer system, and furthermore the manner in which water is removed or disposed from private swimming pools shall be arranged so as to prevent the flow of water upon the adjoining property. The means and manner of water removal or disposal shall be set forth on the aforesaid plans and specifications and shall be approved by the Township Engineer, who shall determine that the particular means and manner of water removal or disposal shall not be a hazard or menace to the health and safety of the general public.

(Code 1971, § 81-9)

24-9 RECIRCULATION FACILITIES.

Any private swimming pool which is not equipped with appropriate facilities for recirculation and reuse of water used therein may be subject to

closing and discontinuance of further use by order of the Department of Community Services or any of their authorized agents, during any period of emergency water shortage.

(Code 1971, § 81-10; Ord. #11-10)

24-10 RIGHT OF APPEAL, APPLICATION FOR MODIFICATION.

In the event that a literal application of the provisions of Section 24-2 would create an undue hardship upon any owner of a private swimming pool, as the result of certain peculiar circumstances, then the owner shall have the right of appeal to the Council, to make an appropriate modification in the application of Section 24-2. The application for modification shall be granted by resolution of good cause and that the public health, safety and welfare would be protected by existing artificial or natural barriers or a proposed artificial fence or wall to be constructed.

(Code 1971, § 81-11)

24-11 COMPLIANCE.

Every private swimming pool presently maintained or hereafter constructed or established in the Township shall at all times comply with the requirements of health authorities having jurisdiction in the premises, and any nuisance or hazard to health which may exist or develop in or in consequence of or in connection with any such private swimming pool shall forthwith be abated and removed by the person in possession of the private swimming pool upon receipt of notice from the Building Official, Health Inspector or other authorized person so requiring.

(Code 1971, § 81-12)