

Chapter 150. SWIMMING POOLS

[HISTORY: Adopted by the Borough Council of the Borough of Prospect Park: Art. I, 7-11-1995 as Ord. No. 1167, approved 7-11-1995. Editor's Note: This ordinance also repealed former Ch. 150, Swimming Pools, Art. I, Private Swimming Pools, adopted 5-25-1959 as Ord. No. 755, approved 5-26-1959, as amended. Amendments noted where applicable.]

GENERAL REFERENCES

Plumbing — See Ch. 125.

§ 150-1. Definitions.

Unless otherwise expressly stated, the following words shall, for the purposes of this Article, have the meanings herein indicated:

FENCE

An enclosure. Such enclosure shall be at least four (4) feet in height, constructed of masonry, wood or metal, with apertures no larger than three (3) inches, equipped with a self-closing gate and complete with a key-operated lock so as to adequately secure the enclosed area against unauthorized access.

FOOTING

The spreading at the base or bottom of a wall or other construction.

FRONT YARD

The area of a lot lying between the street and the residence setback line, extending across the full width of the lot and/or depth of a corner lot.

PERSON

Any person, copartnership, association, firm or corporation.

PRIVATE SWIMMING POOL

Any body of water, tank or receptacle for water, whether artificially or semiartificially constructed, or portable, having a depth at any point greater than eighteen (18) inches, used or intended to be used for swimming or bathing solely by the owner, his family and guests of the household, and constructed, installed and established or maintained outside any building, in or above the ground, upon any premises as an accessory use to the residence. Portable wading pools no more than eighteen (18) inches in depth are excluded herefrom, provided that they are securely covered by a tarpaulin or some similar cover approved by the Building Inspector.

WADING POOL

Any artificially constructed pool not designated or used for swimming, with a maximum depth of no more than eighteen (18) inches.

§ 150-2. Permit required; exception.

It shall be unlawful for any person to construct, install, establish or maintain or alter, remodel or reconstruct a private swimming pool or wading pool, as herein defined, without having obtained a permit therefor as prescribed in § 150-3 herein. However, no permit shall be required for a wading pool of the portable type with a maximum depth of no more than eighteen (18) inches.

§ 150-3. Application procedure.

- A.** Application for permits shall be submitted to the Borough Building Inspector, together with two (2) sets of plans and specifications setting forth the details, area and depth of the proposed construction in all of its parts, together with a plot plan showing the location of the pool on the lot, the location of buildings on the lot, the fencing, existing and planned, and the height and aperture dimensions thereof, and all open spaces required by this Article, drawn to scale and dimensions.
- B.** Applications shall be made on forms supplied by the Building Inspector.
- C.** The fee for the permit shall be established by Borough Council by resolution from time to time.
- D.** Upon approval of plans and specifications by the Building Inspector, one (1) set of each so marked will be returned to the applicant and must be kept on the site with the permit and be available at all times to the Building Inspector or other officers of the borough. No change in the same shall be made without notification to and approval by the Building Inspector.

§ 150-4. Determination of plan compliance; issuance of permit.

- A.** Plans and specifications. The Building Inspector shall make such determinations of the plans and specifications submitted to assure the compliance with all requirements of this Article, the Building Code and the Prospect Park Zoning Code. He shall determine the mode of construction to make sure the contemplated work is structurally sound. Where necessary, he shall require suitable footings.
- B.** The Plumbing Inspector shall determine that the method or manner of emptying the pool and the connections of such drain to the sanitary sewer, storm sewer or open stream or upon the land is not contrary to the public interest or to the proper maintenance of the public sanitary sewer system or storm sewer system or to the other property owners.
- C.** After investigation and upon such advice of the Borough Engineers, the Building Inspector shall issue the permit.

§ 150-5. Construction and maintenance.

- A.** All swimming pools shall be constructed of materials so that they shall be waterproof and easily cleaned.
- B.** Construction and design shall be such that they may be maintained and operated so as to be clean and sanitary at all times.
- C.** The owner of every private swimming pool shall be responsible to maintain said pool in such condition as to prevent breaks in the pool chassis or water from the pool overflowing onto adjacent property.
- D.** Footings shall be provided to adequately carry the proposed structure. If concrete blocks are used in construction, they must be laid with masonry wall reinforcement (Durowall or equal) every second course of blocks. There must be a minimum footing under block walls and poured concrete walls of eight by fourteen (8 x 14) inches, with two (2) reinforcing rods three-eighths (3/8) inch in diameter.

§ 150-6. Water supply.

There shall be no physical connection between a portable public or private water supply system and any private swimming pool or wading pool at a point below the maximum water line of the pool or to a recirculating or heating system of said pool.

§ 150-7. Discharge system.

The discharge of water from any private swimming pool into the sanitary sewer system shall be permitted only after a plumbing permit for the same has been issued in accordance with the Borough Plumbing Code, and such other applicable borough ordinances. Approval of an application shall not be given if it is

feasible to discharge water from a pool into a storm sewer or stream or to use such water for lawn sprinkling. Discharge is metered and the cost per gallon is established by the Plumbing Inspector, and if the pool capacity and incidence of discharge is readily ascertainable and fixed as to rate by the Plumbing Inspector, then, in such event, a meter will not be required.

§ 150-8. Discharge control.

Where approval is obtained to discharge water from a private swimming pool or wading pool into the sanitary sewage system, the owner, lessee or occupant of premises on which a pool is located may discharge the water only at the time or times designated and allocated by the Plumbing Inspector and endorsed on the permit. The purpose of this requirement is to prevent a strain upon the sewer system by controlling and distributing the discharge of water.

§ 150-9. Location.

- A.** No private swimming pool shall be constructed closer than ten (10) feet to the side and/or rear property line of the premises in question except as provided hereinafter. If the premises in question has a width of thirty (30) feet or less, no private swimming pool shall be constructed closer than six (6) feet to the side or rear property line. In either event, no private swimming pool shall be constructed closer than eight (8) feet to a cellar and/or basement. No private swimming pool shall be constructed in the front yard and/or side yard of any property.
- B.** Accessory buildings, such as locker rooms, bathhouses, cabanas, shower rooms, toilets and other physical facilities incident to the operation of any private swimming pool shall conform to the requirements of the Borough Building and Zoning Codes. *Editor's Note: See Ch. 60, Building Construction, and Ch. 70, Development.*
- C.** In no case shall a swimming pool be located or constructed under any electrical lines or over any utility lines.

§ 150-10. Fencing and coverings.

- A.** Every private swimming pool except those no more than eighteen (18) inches in depth shall be entirely enclosed with a fence not less than four (4) feet in height. Where a property is presently enclosed by a fence of three (3) feet or more in height, the property owner will not be required to install a four-foot-high fence to satisfy the requirements of this section. Every person maintaining a private swimming pool in excess of eighteen (18) inches in depth shall keep the gate closed and securely locked at all times when such pool is not in use by the person maintaining the same, his family or his guests. Within thirty (30) days after the effective date of this Article, any person maintaining a private swimming pool within the limits of Prospect Park which has been constructed prior thereto shall erect a fence surrounding the said pool.
- B.** All pools eighteen (18) inches or less in depth shall be covered by a tarpaulin or similar-type covering at all times when not in use.

§ 150-11. Lighting.

No artificial lighting shall be maintained or operated in connection with private swimming pools in such a manner as to be a nuisance or an annoyance to neighboring properties.

§ 150-12. Enforcement.

- A.** Every private swimming pool constructed, installed, established or maintained in the Borough of Prospect Park 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 private swimming pool shall be abated and removed by the owner, lessee or occupant of the premises on which said pool is located within ten (10) days of receipt from the Building Inspector or Health Officer of the Borough of Prospect Park. It shall be the duty of the Building Inspector and the Health Officer, respectively, to enforce the provisions of this Article.
- B.** The Building Inspector and/or Health Officer or any of their assistants or deputies shall have the right to enter any premises or any building or other structure for the performance of their duties to ascertain compliance with this Article.

§ 150-13. Appeals.

Whenever the owner of any swimming pool about to be or in the course of being erected or altered shall except to the decision of the Building Inspector in refusing to approve the issuance of a permit or in refusing to approve the manner of construction or the kind of materials to be used in the construction or alteration or to his decision as to the safety or its compliance with the provisions of this Article, such owner or his duly authorized attorney or agent may, within ten (10) days after such decision, appeal therefrom to the Committee on Building Regulations of the Borough Council. Such appeal shall be in writing, shall state the decision of the Building Inspector and the reasons for the exception taken thereto, shall be verified by affidavit and shall be filed with the Borough Secretary. The person appealing shall have the right to appear and to be heard, if he states his desire to do so in his written appeal. A prompt decision of such appeal shall be made by the Borough Council and shall be duly recorded, and the decision shall be final.

§ 150-14. Violations and penalties.

Any person who shall violate any provisions of this Article shall, upon conviction thereof, be punishable by a fine of not more than three hundred dollars (\$300.) and costs of such proceedings or, upon default of payment of such fine and costs, by imprisonment in the county jail for a term of not more than thirty (30) days. The continuation of such violation for each successive day shall constitute a separate offense, and the person or persons allowing or permitting the continuation of the violation may be punished as provided above for each separate offense.