

# SWIMMING POOLS

## Chapter 81

### SWIMMING POOLS

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**HISTORY:** Adopted by the Board of Health of the Township of Barnegat: Article 1, 8-4-76 as Ord. No. 1976-5; Article 11, 10-6-76 as Ord. No. 1976-6. Amendments noted where applicable.]

Be it ordained by the Board of Health of the Township of Barnegat, in the County of Ocean and State of New Jersey:

ARTICLE I

Regulation of Public Pools

[Adopted. 8-4-76 as Ord. No. 1976-5]

§ 81-1. Adoption of standards.

A code regulating and controlling the location and construction, alteration and operation of swimming pools; the issuance of licenses and/or permits to locate and construct, alter or operate swimming pools; and declaring and defining certain swimming pools as nuisances and fixing penalties for violations, is hereby adopted pursuant to Chapter 188, 1950 (N.J.S.A. 26:3-69.1 to 3-69.6). A copy of said code is annexed hereto and made a part hereof without inclusion of the text thereof herein.

§ 81-2. Title.

The said code established and adopted by this ordinance is described and commonly known as the "Swimming Pool Code of New Jersey (1970)."

(Cont`d on page 8103)

**§ 81-3. Copies on file.**

Three (3) copies of the said Swimming Pool Code of New Jersey (1970) have been placed on file in the office of the Secretary of this local Board of Health upon the introduction of this ordinance and will remain on file in said office for the use of and examination by the public.

**§ 81-4. Permit and/or license required.**

No person shall locate and construct, alter or operate a swimming pool until permits and/or licenses therefor shall have been issued by this Board of Health.

**§ 81-5. Fees.**

The following fees and charges are herewith established.

- A. For the issuance or renewal of a license to operate a swimming pool: fifty dollars (\$50.).

**§ 81-8. Expiration and renewal of license.**

Licenses issued for the operation of a swimming pool shall expire annually on June 30 of each year and application for renewal thereof shall be submitted, together with the required fee, prior to June 1 of each year.

**§ 81-7. Denial or suspension.**

Licenses and/or permits required by this ordinance may be denied or suspended by this Board of Health for failure to comply with this ordinance or code. This Board of Health shall afford the person whose license and/or permit to locate and construct, alter or operate has been denied or suspended an opportunity to be heard in public hearing and, following this, to be informed of the Board's decision.

**§ 81-8. Violations and penalties.**

Any person or persons, firm or corporation violating any of the provisions of this ordinance or the Swimming Pool Code of New Jersey (1970) made a part hereof shall, upon conviction thereof, pay a penalty of not less than two dollars (\$2.) nor more than five hundred dollars (\$500.) for each violation. Each day a particular violation continues shall constitute a separate offense.

**§ 81-9. Repealer.**

All ordinances, codes or parts of same inconsistent with any of the provisions of this ordinance and the code established hereunder are hereby repealed to the extent of such inconsistency.

**§ 81-10. Severability.**

In the event that any section, sentence or clause of this ordinance or code shall be declared unconstitutional by a court of competent jurisdiction, such declaration shall not in any manner prejudice the enforcement of the remaining provisions.

**§ 81-11. When effective.**

This ordinance and the code herein established shall take effect on final passage and publication as provided by law.

**ARTICLE****Regulation of Private Pools**

[Adopted 10-8-76 as Ord. No. 1976-6]

**§ 81-12. Definitions.**

As used in this ordinance, unless the context otherwise indicates, the following words and terms shall have the meanings given herein:

**PORTABLE POOL** — Any above-surface type of pool of more than one hundred (100) cubic feet capacity, not

stationary or fixed, and capable of being removed for storage.

**PRIVATE SWIMMING POOL** — Any stationary pool of water having a depth in excess of eighteen (18) inches and an area greater than one hundred twenty (120) square feet, designed, used and maintained for swimming purposes by an individual for use by his household and guests without fees and located on property owned, leased or otherwise used and maintained by the owner of said swimming pool. It shall further mean and include fill-and-draw, flow-through and recirculation pools which are artificially constructed to provide recreational facilities for swimming, bathing or wading and all buildings, equipment and appurtenances thereto. It shall not include natural outdoor pools, rivers or lakes, nor baths used for cleansing of the body or practice of the healing arts.

**WADING POOL** — Any artificially constructed pool intended for use by children, not designed or used, for swimming, with a maximum area of one hundred twenty (120) square feet and a maximum water depth of eighteen (18) inches.

**§ 81-13. Emergency water shortage; pools hazardous to health.**

- A. All pools supplied by a public or quasipublic water supply system and not equipped with facilities for the recirculation and reuse of the pool water shall be subject to closure by order of the Board of Health during *any* period of emergency water shortage declared by a duly authorized public official.
- B. Whenever any pool is a hazard to the health of the public, the Board of Health is authorized to summarily close the pool upon the failure of the owner, lessee or occupant of the premises upon which such pool is located to take satisfactory or reasonable prompt action to abate such hazard to the health of the public, within twenty-four (24) hours of the receipt of the notice to do so by the Board of Health, and keep such pool closed until no further hazard

to the public exists, subject to the right of appeal to the Board of Health by the owner of such pool. Said appeal, however, shall not stay the action of the Board of Health.

**§ 81-14. Drain            utiets; discharge of water.**

- A. All private swimming pools, wading pools or portable pools with a water depth of more than one (1) foot hereafter constructed, installed, established or maintained within the Township of Union shall be provided with the necessary equipment to completely pump out or empty said pool or shall be emptied by providing one (1) drainage outlet, to be installed at the lowest point of said pool, not in excess of three (3) inches in diameter, extending from said pool to either a storm sewer, storm sewer catch basin, lawn watering system, adequate dry well or sand, filtering pit on the premises on which said private pool, wading pool or portable pool is located. The discharge of water from such pools into a storm sewer shall be permitted only where the capacity is adequate, as determined by the Township Engineer. No private pool drain, wading pool drain or portable pool drain shall be connected into the sanitary sewer system.
- B. Pool water may not be discharged at the curb or upon the surface of any street. The discharge of said waters shall, in no case, cause or create a nuisance to the abutting property or to the public.

**§ 81-15. Disinfecting agents; test for bacteria content.**

Chlorine gas-bearing compounds in solution shall be required as disinfecting agents for swimming pools, wading pools or portable pools. The use of ozone, ultraviolet light or any other method wherein a residual cannot be determined is prohibited. Not more than fifteen percent (1.5%) of the samples of water taken from any private pool shall contain more than two hundred fifty (250) pathogenic organisms per cubic centimeter or shall show a positive test (confirmed) for coliform in any of the ten-cubic-

centimeter portions of water at times when the pool is ready for use; provided, however, that no less than three (3) samples shall disclose the presence of a bacteria content in excess of the above-described limits. For the purpose of this section, any number of samplings of water on a single day shall be considered as one (1) sample. The local Board of Health is hereby authorized to take samples to ensure compliance with these requirements. Free chlorine residuals and pH values shall be maintained within the ranges indicated below:

pH	Free Chlorin Residual (parts per million)
7.0 to 7.6	0.48-0.6
8.0 to 8.4	2.0 to 5.0

**§81-16. Abatement of nuisances.**

Any nuisance which may exist or develop in or in consequence of or in connection with any private swimming pool shall be abated and/or removed by the owners.

**§ 81-17. Mechanical defect; lack of proper maintenance.**

Whenever any private swimming pool, by reason of mechanical defects or lack of proper maintenance, is, in the opinion of the Board of Health, polluted and detrimental to health, it shall be summarily closed.

**§ 81-18. Compliance with other ordinances, rules and regulations**

- A. The Board of Health may cause any stationary private swimming pool, as defined in this ordinance, to be inspected for compliance with the plumbing standards of the Township of Barnegat, and any such pool shall meet all requirements of the Township Zoning Ordinance.
- B. Operation and maintenance. Any accessory buildings, such as locker rooms, bathhouses, cabanas, shower rooms,



toilets, runways or any other physical facility or equipment incident to the maintenance and operation of any of the above described shall be in conformance with the rules and regulations of both the Board of Health and the Township Committee of the Township of Barnegat.

§ 81-19. Fences.

No private swimming pool shall be maintained within the township without having first erected around its entire perimeter a fence at least four (4) feet in height designed to limit access to such pool, such fence to contain no more than two (2) gates, be capable of being firmly secured and be placed in such a location as to discourage access by trespassers.

§ 81-20. Enforcement; inspection. [Amended 6-3-91 by Ord. No, 1991-20]

- A. Enforcement officials. It shall be the duty of the Board of Health and/or Zoning/Code Enforcement Officer to enforce the provisions of this ordinance.
- B. Compliance with health regulations. Every private swimming pool, wading pool or portable pool constructed, installed, established or maintained in the Township of Barnegat 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, wading pool or portable pool shall be forthwith abated and removed by the owner, lessee or occupant of the premises on which the said pool is located, upon receipt of notice from the Board of Health of the Township of Barnegat.
- C. Inspection. The owner or operator of any pool within the Township of Barnegat shall allow the Board of Health and/or the Zoning/Code Enforcement Officer access to any private swimming, wading or portable pool and appurtenances thereto for the purpose of inspection to ascertain

compliance with this ordinance and all other pertinent township ordinances, at all reasonable times. Such inspections will be made only upon the filing of a complaint with the Secretary of the Board of Health or the Zoning/Code Enforcement Officer.

**§ 31-21. Violations penalties.**

Any person or persons, firm or corporation violating any of the provisions of this ordinance shall, upon conviction thereof, pay a penalty of not less than five dollars (\$5.) nor more than five hundred dollars (\$500.) for each offense. Each day a particular violation continues shall constitute a separate offense.

**§ 81-22. Repealer.**

Any ordinance or part of any ordinance inconsistent with the terms of this ordinance is hereby repealed to the extent of such inconsistency.

**§ 81-23. When effective.**

This ordinance shall take effect immediately after adoption and publication according to law.