

**Chapter 10**  
**SWIMMING POOLS**

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**§ 10-1. CONSTRUCTION AND MAINTENANCE.**

**§ 10-1.1. Definitions. [Ord. #171, S 1]**

As used in this section:

**SWIMMING POOL** — Shall mean and include either outdoor or indoor, private pools which are artificially constructed to provide recreational facilities for swimming, bathing or wading.

**WADING POOL** — Shall mean and include artificially constructed pools not designated or used for swimming with a maximum area not exceeding 120 square feet and a maximum water depth not exceeding twelve (12") inches; provided, however, that this Chapter shall not cover wading pools.

**§ 10-1.2. Permit Required; Application Requirements. [Ord. #171, S 2; amended 8-3-2022 by Ord. No. O-22-11]**

- a. It shall be unlawful to establish or construct a swimming pool without first obtaining a permit therefor in the manner hereinafter prescribed. No permit shall be required for a wading pool.
- b. Pool permits shall be required for all swimming pools as defined by the Borough's ordinance. To obtain a pool permit the applicant must provide (1) a drainage plan; (2) a grading plan; and (3) satisfactory soil boring tests. All these items must be approved by the Borough Engineer before a pool permit is issued.
- c. Prior to a final CO being issued, following construction, the property owner must provide an acceptable as-built survey.

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**§ 10-1.3. Permits; Fee; Inspection; Reinspection. [Ord. #171, S 3; amended 8-3-2022 by Ord. No. O-22-11; 9-21-2022 by Ord. No. O-22-18]**

- a. Application for a permit to construct a swimming pool accompanied by four sets of plans and specifications or proper descriptive brochures shall be made to the Construction Official by the owner of the property. The Construction Official shall not pass upon the structural features or durability of the pool except, insofar as may be necessary, to assure safe and sound construction in accordance with the generally acceptable principles of safe swimming pool construction and for the purpose of insuring compliance with the terms of this section. If the Construction Official is satisfied with respect to the structural features of the proposed pool, he shall submit the plans and specifications or brochures to the Board of Health which shall review the same for the purpose of assuring that the health and sanitary features and equipment of the pool are in accordance with the terms of this section. If the Board of Health approves the plans and specifications, it shall cause a statement to that effect to be endorsed thereon and return the same to the Construction Official. After the completion of the pool and upon application of the person constructing the pool, the Construction Official shall issue a Certificate of Completion of the pool.
- b. Reinspection. The pool permit fee includes the cost of a reinspection one year after the permit has been issued. The purpose of the reinspection will be to confirm that the pool and enclosure are compliant with the Borough's ordinances.
- c. Fees. The following fees shall apply to any permits for swimming pools:
  1. Application fee: \$100.
  2. Escrow for engineering: \$400.
  3. Review of revisions to any swimming pool permit plans: \$250.
- d. Fees Non-Refundable. The swimming pool permit fees for the application and escrow shall be nonrefundable.
- e. Fees Separate from Other Permit and Application Fees. The swimming pool permit fees set forth in this section shall be separate and apart from any application or permit fees for shed, fences, or other construction required or requested in conjunction with the construction of a swimming pool.

**§ 10-1.4. Material of Construction. [Ord. # 171, S 4]**

All material used in the construction of private swimming pools shall be waterproofed and easily cleaned. The bottom and sides of the pool shall be either white or a light color, except that aluminum paint shall not be used as a finish. Sand or earth bottoms shall not be used.

**§ 10-1.5. Pool Supply Line Restrictions. [Ord. #171, S 5]**

There shall be no physical connection between a potable, public or private water supply system and such pool. The supply line to the pool shall terminate as an outside riser pipe that will maintain a minimum air space of six (6") inches between the end of the fill line and the maximum flood level of the pool.

**§ 10-1.6. Discharge System. [Ord. # 171, S 6]**

All private swimming pools hereafter constructed shall be provided with not over one two (2") inch diameter galvanized iron pipe or approved equal drain extending from the pool to a brook, other natural watercourse or storm sewer, provided however, that if such drain should be connected to a storm sewer, the permit for the construction of the pool shall not be issued without the written approval of the Borough Engineer, which approval shall not be granted, if, in the opinion of the Borough Engineer, the effectiveness of the storm drain would be impaired by the proposed connection. If such connection to the storm drain is permitted, it shall be made under the supervision of and in accordance with specifications approved by the Borough Engineer. The Borough Engineer shall receive for his inspection, prior to approval or disapproval of the application of the permit, a fee of \$10 and for his supervision in the event a permit is granted, the sum of \$5 and in addition thereto the sum of \$10 for each 100 square feet or fraction thereof of public street surface disturbed and replaced; both of which fees shall be paid by the owner of the property and shall be in addition to the fees for which provision is made in Subsection 10-1.3 thereof.

In the event that it is not practicable to drain a proposed swimming pool into a brook or other watercourse or into a storm sewer as hereinabove provided, facilities may be constructed so that such pool may be emptied or drained by spraying the water therefrom upon the lawn of the owner, provided however, that if such facilities and method of drainage are to be employed, no permit for such pool shall be issued until the application therefor has been approved by the Borough Engineer who shall not approve the same unless upon inspection of the premises of the owner, he is satisfied that such method of drainage and facilities to be provided therefor are practicable, that the owner's lawn is capable of absorbing the water at the rate at which it is proposed to discharge the same thereon and that such discharge of water thereon will not adversely effect any abutting property, public or private. The Borough Engineer shall receive for his inspection prior to approval or disapproval of the application of the permit, a fee of \$10 and for a subsequent inspection after completion of such pool and facilities and to ascertain compliance with the plans and specifications therefor, a fee of \$10; both of which fees shall be paid by the owner of the property and shall be in addition to the fees for which provision is made in Subsection 10-1.3 hereof.

The pool shall be so situated that normal surface water shall drain away from the pool.

**§ 10-1.7. Disinfection, Filtering and Bacteriological Standards. [Ord. #171, S 7]**

All private swimming pools shall be so constructed, installed and maintained as to provide necessary equipment for chlorination and other disinfection and filtering, including a hair and lint catcher, the filtering to comply with the following approved bacteriological standards:

- a. Samples shall be taken at the discretion of the Health Officer.
  1. Not more than two samples have been examined, shall contain more than 200 bacteria per cubic centimeter, or shall show positive test (confirmed) for Bacillus Coli, also zero coliform by plating technique in any of five 10 cubic centimeter portions of water at times when the pool is in operation.
  2. All private swimming pools constructed within the boundaries of West Long Branch shall have chlorinating materials or equipment of acceptable capacity and design which will provide in the water at all times when the pool is in use a residual of not

less than 0.6 parts per million or an excess residual of chloramine of not less than 0.7 parts per million or more than one (1.0) parts per million. Equipment necessary for daily chemical testing shall be kept on the premises at all times when the pool is in operation.

- b. Water treatment facilities shall be located below grade or, if above grade, be enclosed by a suitable structure.
- c. Water in all wading pools, when the same are in use, shall, at all times, have a residual of chloramine of not less than 0.4 parts per million or more than 0.6 parts per million or an excess residual of chloramine of not less than 0.7 parts per million or more than one (1.0) parts per million.

**§ 10-1.8. Pool Location and Setbacks.<sup>1</sup> [Added 8-3-2022 by Ord. No. O-22-11]**

- a. The edge of the water in the swimming pool shall be no less than 10 feet from the nearest point of the house, if the house forms one of the boundaries to the enclosed area around the swimming pool. If the house does not form one of the boundaries of the enclosed area for the pool, this section will not apply.
- b. The water edge of the pool shall be no less than 15 feet from any property line.
- c. Any pool equipment shall be no less than 15 feet from any property line.
- d. Swimming pools are only permitted in the rear yard. If, however, the property is a corner lot, thereby, by definition, only having front and side yards, pools shall be permitted in either side yard providing they are 15 feet plus the required front yard setback in the zone from the property line.

**§ 10-1.9. Lighting. [Ord. #171, S 9]**

No artificial lighting shall be maintained or operated in connection with the pool in such a manner as to be a nuisance or an annoyance to neighboring properties. All lighting, wiring and fixtures shall be inspected by the Middle Department Association Fire Underwriters.

**§ 10-1.10. Fences; Height Requirement. [Ord. #171, S 10; Ord. #O-00-3, S 3; Ord. #O-04-6, SS 1—4]**

- a. All outdoor swimming pools shall be enclosed by a substantial fence not less than forty-eight (48") inches in height, so constructed as to prevent, within reason, any person from gaining access beneath or through the fence, and which shall have a similarly substantial gate of the same height as the fence, with facilities for locking the gate when the pool is unguarded. The side of an above-ground pool shall not constitute a fence for purposes of meeting this requirement.
  1. No swimming pool shall be filled or partially filled with water until a fence permit has been obtained and permanent fencing has been installed and approved by the Borough.

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1. Editor's Note: Former subsection 10-1.8, Location, previously codified herein and containing portions of Ordinance No. 171, was repealed in its entirety by Ordinance No. O-00-3. See subsection 18-5.3 for provisions for location of swimming pools.

2. Temporary Fencing Insufficient. The installation of temporary fencing by a property owner or tenant shall not be deemed "permanent fencing" for purposes of permitting the swimming pool to be filled or partially filled with water, or to be used by the property owner.
3. Persons Responsible. Any person or entity, including the homeowner, any contractor, or subcontractor of the owner or the owner's contractor, who violates this subsection shall be subject to the penalties set forth herein. It shall be deemed a violation if the pool is filled, partially or fully, with water without the required fence permit, without approval of the pool installation, or without approval of the permanent fencing having been obtained from the proper official in the Borough of West Long Branch.
4. Enforcement and Penalties.
  - (a) Violations of this subsection may be enforced by the Zoning Officer, Construction Official, Board of Health, or Police.
  - (b) Any violation of this subsection shall subject the violator to the penalties set forth in Section 1-5.

**§ 10-1.11. Gates Shall Be Kept Closed; Exception. [Ord. #171, S 11]**

The swimming pool gate is to be kept closed at all times except when opened for the purpose of ingress or egress.

**§ 10-1.12. Drainage and Grading Plans. [Added 9-21-2022 by Ord. No. O-22-19]**

The drainage and grading plans required under this section to be submitted with any swimming pool permit application shall be signed and certified by a licensed professional engineer.

**§ 10-1.13. Plan Requirements. [Added 9-21-2022 by Ord. No. O-22-19]**

Until such time as the applicant provides drainage and grading plans certified by a licensed professional engineer, no further review will be undertaken of the applicant's permit request. Once received, the engineer-certified plans of the applicant shall be forwarded to the Borough Engineer for review and approval before any permit is issued.

**§ 10-1.14. Buffering. [Added 9-21-2022 by Ord. No. O-22-19]**

Any proposed landscaping or proposed buffering shall be provided by the applicant when submitting any swimming pool permit application.

**§ 10-1.15. As-Built Survey. [Added 9-21-2022 by Ord. No. O-22-19]**

The as-built survey required to be provided for any swimming pool permit, shall include the impervious coverage percentage, which information shall be certified by the applicant's engineer.

**§ 10-1.16. Enforcement. [Ord. #171, S 12]**

Every private swimming pool constructed in the Borough shall at all times comply with the requirements of all 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 and removed by the person in possession of such pool upon receipt of notice from the Board of Health, Police Department or Construction Official of the Borough.

**§ 10-1.17. Violations. [Ord. #171, S 13]**

Any person who violates this section or any part thereof, shall upon conviction, pay a fine not exceeding \$50 for the first offense and not exceeding \$100 for each subsequent offense.