

**TOWNSHIP OF EDGEWATER PARK
ORDINANCE NO. 2012-4**

An Ordinance of the Township Of Edgewater Park Amending Chapter 16 to provide for Temporary Inflatable Pools on Residential Properties in the R-1, R-2, R-3, R-4, R-5, R-6, R-7, R-8, R-LD, R-AR, R-AR-1, and C-2 Zones And Further Amending Section 8.40 Titled "Private Swimming Pools"

WHEREAS, Township Committee wishes to amend the Revised General Ordinance Ordinances of the Township of Edgewater Park.

WHEREAS, the Township Committee has determined that the Township Code should be amended to provide for Temporary Portable Pools (including inflatable pools) as accessory uses in the R-1, R-2, R-3, R-4, R-5, R-6, R-7, R-8, R-LD, R-AR, R-AR-1, and C-2 Zones, subject to specific conditions.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Edgewater Park, County of Burlington, and State of New Jersey, that the Township Codes of the Township of Edgewater Park be and is hereby amended as follows:

SECTION 1:

Chapter 8.40: PRIVATE SWIMMING POOLS

Section: 8.40.010 Definitions.

The words, terms or phrases listed below for the purpose of this chapter, except when the context requires a different meaning, shall be defined as follows:

“Construction” means and includes building or installing a new swimming pool or enlarging an existing swimming pool or any of its facilities.

“Person” means and includes corporations, companies, associations, societies, firms and partnerships, as well as individuals.

“Swimming Pools” means and includes any structure intended for swimming, recreational bathing or wading that contains water over 24 inches (610 mm) deep. This includes in-ground, above-ground and on-ground pools; hot tubs; spas and fixed-in-place wading pools.

“Private swimming pool” means and includes any pool of water having a permanent structure and/or having a capacity of fifteen thousand (15,000) gallons or more, 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 ponds, rivers or lakes, nor baths used for cleansing of the body or practice of the healing arts.

“Temporary portable pool” (including inflatable pools) is defined as those pools that are less than 4’ in depth; are non-permanent; contain no support structure; and are installed no earlier than May 1st and removed no later than September 30th of each year.

“Wading pool” means and includes any artificially constructed pool 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.

8.40.020 Construction and maintenance.

All materials used in the construction of private swimming pools, temporary portable pools or wading 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 any time when any such pool shall be in use, or at such times as the same shall be subject to use. Inlets of the treated water shall be so located and spaced as to secure satisfactory dispersion of the water throughout the pool and not to interfere with draining, cleaning and disinfecting of the bottom and sides. Sand or earth bottoms shall not be used.

8.40.030 Water supply, pipe, pump and filter systems.

A. There shall be no physical connection between a potable public or private water supply system and such private swimming pools, temporary portable pools, or wading pools below the maximum water line of the pool or to a recirculating or heating system of said pool. The piping system shall be designed to circulate the pool water through filtering equipment. Potable water shall feed the pool with a down spout with an air gap not less than six inches from the pool overflow level. Potable water syphons will not be permitted to drain the aforesaid pools. The installation, repair and control of plumbing facilities shall comply with the plumbing and sanitary codes of the township.

B. All circulating units shall have sufficient capacity to recirculate the entire contents of a pool within eighteen (18) hours or less.

8.40.050 Discharge system.

All private swimming pools, temporary portable pools, or wading pools with a water depth of more than one foot, hereafter constructed, installed, established or maintained within the township, shall be provided with the necessary equipment to completely pump out or empty said pool or shall be emptied by providing one drainage outlet, to be installed at the lowest point of said pool, not in excess of three 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 swimming pools, temporary portable pools, or wading pools 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 swimming pool drain, temporary portable pool drain, or wading pool drain shall be connected into the sanitary sewer system. The discharge of said waters shall in no case cause or create a nuisance to the abutting property or to the public.

8.40.060 Bacteriological standards.

Chlorine gas-bearing compounds in solution shall be required as disinfecting agents for all swimming pools, private swimming pools, temporary portable pools, or wading pools. The use of ozone, ultraviolet light or any other method wherein a residual cannot be determined is prohibited. Not more than fifteen (15) percent 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 positive test (confirmed)

for chloroform in any of ten cubic centimeter portions of water at times when the pool is ready for use; provided, however, that no less than three 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 sample. The local board of health is authorized to take samples to insure compliance with these requirements. Free chlorine residuals and pH values shall be maintained within ranges indicated below:

pH	Free Chlorine Residual
7.0—7.6	0.4—0.6 p.p.m.
8.0—8.4	2.0—5.0 p.p.m.

8.40.070 Fencing.

- A. All private swimming pools now existing or hereafter constructed, installed, established or maintained, with the exception of wading and temporary portable pools, shall be completely and continuously surrounded by a permanent durable wall, fence or barrier which shall be no less than four feet or more than six feet in height above grade, and shall be so constructed as to have no opening, mesh, hole or gap larger than two inches in any dimension, except for doors and gates; provided, however, if a picket fence is erected or maintained, the horizontal dimension of any gap or opening shall not exceed 2.5 inches. A dwelling house or accessory building may be used as part of such enclosure. All gates used in conjunction with any of the above described enclosures shall conform to the specifications required above as to height and dimensions of openings, mesh, holes or gaps in the case of fences and all gates and doors shall be equipped with self-closing and self-latching devices for keeping the gate or door closed at all times when not in actual use. Gates and doors shall be locked when the pool is not in use or is unguarded or unattended.
- B. Every outdoor wading pool or temporary portable pool shall be enclosed by a durable wall, barrier or fence as described in subsection A of this section unless such outdoor wading pool or portable pool be:
1. Emptied when not in use or unattended; or
 2. Covered with a suitable, strong protective covering, securely fastened or locked in place when not in use or unattended. (A cover shall be considered to be of sufficient strength and securely fastened or locked in place if, when fastened or locked in place, it will support a minimum dead weight of one hundred (100) pounds.)
- C. All persons now owning or maintaining any outdoor swimming, temporary portable pool or wading pool shall be and are granted a period of ninety (90) days after the effective date of the ordinance codified in this chapter within which to enclose the same as herein provided; except that any such person now owning or maintaining an outdoor swimming pool or wading pool presently enclosed by a fence or barrier which substantially complies with the requirements of this section may be exempted from the strict requirements thereof until such time as he may substantially alter, remove, replace or rebuild such fence upon obtaining from the building inspector a certificate of substantial compliance as hereinafter provided:
1. Substantial compliance, for the purposes of this section, shall mean and include any fence or barrier which now or hereafter shall be maintained at a minimum height of forty-two inches above grade and have no opening, mesh, hole or gap larger than four inches in any dimension.
 2. A certificate of substantial compliance may be granted by the building inspector within ninety (90) days after the effective date of the ordinance codified in this chapter upon written application to and establishing to the satisfaction of the building inspector in such a manner as shall be prescribed by said building inspector that the applicant's fence is maintained in substantial compliance with the requirements of this section. (Prior code § 7:4-7)

8.40.080 Location.

A. No private swimming pool, as defined by this chapter, or accessory building, shall be erected or placed nearer to a street property line than will be allowed for buildings in the respective zoning district as set forth in the zoning ordinance of the township. Swimming pools, however, may be placed within fifteen (15) feet of the rear or side property line of any property within a residential district. The placement of swimming pools in other districts shall be as provided for in the respective zoning districts as set forth in the zoning ordinance of the township.

B. No private swimming pool shall be constructed so that its drain outlet shall connect in any manner to any sewerage disposal system.

C. No private swimming pool shall have an area in excess of ten percent of the area of the lot upon which it is constructed or installed.

8.40.090 Lighting.

No artificial lighting shall be maintained or operated in connection with a private swimming pool, wading pool or portable pool in such a manner as to be a nuisance or an annoyance to neighboring parties. Such lighting shall not shine directly upon any abutting property. No unshielded lights shall be permitted.

8.40.100 Permits.

A. Application for permits for the construction and maintenance of any private swimming pool, as defined in Section 8.40.010, shall be made to the building inspector by the owner of the property upon which it is to be constructed or by the contractor who will construct the same. The application shall be accompanied by duplicate sets of plans, specifications and plot plans of the property. The plot plan shall show the accurate location of the proposed pool on the property together with any proposed accessory buildings. The plot plan shall also show the location, height, and type of all existing fencing or walks on the boundary lines of the property, together with the type and height of fencing or enclosure as may be required by this chapter.

B. Permits for a private swimming pool, as defined in this chapter, shall be issued by the building inspector. The plans, specifications and plot plan shall be approved by the building inspector. At the discretion of the building inspector the plans, specifications and plot plan shall be approved by the building inspector and the township engineer.

8.40.101 Permits for Temporary Portable Pools (including inflatable pools)

- A. Purpose and Intent: The intent of this section is to permit small portable temporary pools that are not permanent in nature and can be installed, used and removed within a period of a few months over the summer months without any negative impact to the municipal code or property owners.
- B. Permitted in Residential Zones: Portable Temporary Pools shall be permitted as accessory uses to single family residential dwellings in the residential zones, and in the C-2 Downtown Commercial Zoning District, subject to the specific conditions set forth herein. Temporary portable pools shall be permitted as accessory uses to residential properties in other zones
1. A building permit and zoning permit are required for any new pool that is 24 inches or more in depth. No permit shall be required under the Uniform Construction Code for any pool that is less than 24 inches in depth.
 2. A homeowner who desires to install a temporary portable temporary pool must obtain an initial permit from the Construction Code Office and Zoning Office. Once the initial permit is issued by the township for the period beginning not before May 1st and ending not later than September 30th, then the property owner may apply for an annual Certificate of Approval from the Construction Code

Office each year prior to re-installation of the temporary portable pool. The fee for each Certificate of Approval will be \$20.00.

3. In order to obtain a Certificate of Approval each year it is necessary that the pool is placed in the same location; that it remains temporary in nature; and that the same safety barriers required under the Uniform Construction Code remain in place.
4. A temporary portable pool or inflatable pool must be installed in a residential zone on a property that has a primary residence. If a residential property is located in a commercial zoning district, then there still must be a primary residence on the same lot as the temporary portable pool.
5. Impervious surface standards shall not apply for temporary portable pools (including inflatable pools) that are less than 4' in depth and meet the definition contained herein.
6. A temporary portable pool cannot be installed prior to May 1st and must be removed no later than September 30th of each year. All permits for temporary portable pools (including inflatable pools) shall contain this requirement. Failure to adhere to this regulation will result in enforcement action as a violation of the Code.
7. A temporary portable pool cannot be located closer than 5' to any side or rear property line.
8. Temporary portable pools are not permitted in any front yard setback.
9. In order to provide for the safety of children and residents, no municipal permits will be issued for an inflatable pool unless the property has a proper barrier in place in accordance with the Uniform Construction Code. Barrier requirements address fencing, pool steps, locking gates, etc. A copy of the basic barrier requirements for all pools including temporary inflatable pools is available from the Construction Code Office.
10. The municipal permit process does not exempt a property owner from receiving approval from their own Homeowners Association (HOA) prior to applying for municipal permits, nor does it override the conditions in any Homeowners Association by-laws.

8.40.110 General provisions and enforcement.

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

B. Whenever any private swimming pool, temporary portable pool, or wading pool, by reason of mechanical defects or lack of supervision is, in the opinion of the board of health, polluted and detrimental to health, it shall be summarily closed.

C. Owners or persons in possession of private swimming pools, temporary portable pools, or wading pools shall allow the health officer and the building inspector access to inspect said pool and the appurtenances at any time it may be required by the board of health or the township committee of the township.

D. The board of health may cause any private swimming pool, temporary portable pool, or wading pool, as defined in this chapter, to be inspected for compliance with the plumbing code of the township.

E. Any accessory building, such as locker rooms, bath houses, cabanas, shower rooms, toilets, runways or any other physical facility or equipment incidental 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.

8.40.120 Enforcement.

A. Every private swimming pool, temporary portable pool, or wading pool constructed, installed, established or maintained in the township 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, temporary portable pool, or wading 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 health officer of the township.

B. It shall be the duty of the health officer and/or building inspector to enforce the provisions of this chapter.

C. The owner or operator of any pool within the township shall allow the said health officer and/or building inspector access to any private swimming pool, temporary portable pool, or wading pool and appurtenances thereto for the purpose of inspection to ascertain compliance with this chapter and all other pertinent township ordinances, at all reasonable times.

SECTION 2. Amending Section

20.410: STATE UNIFORM CONSTRUCTION CODE ENFORCEMENT, BUILDING FEE SCHEDULE to include the following:

Temporary Inflatable Above Ground Pool: Initial fee of \$60.00. Annual re-inspection fee of \$20.00 by the Construction Code Official; temporary inflatable pool must be re-installed with no modifications.

SECTION 3. If a court of competent jurisdiction shall declare any section, paragraph, subsection, clause or provision of this Ordinance invalid, such decision shall not affect the validity of this Ordinance as a whole or any part thereof.

SECTION 4. All ordinances or parts of ordinances of the Township of Edgewater Park heretofore adopted that are inconsistent with any of the terms and provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 5. This ordinance shall take effect immediately upon final passage. Notice of adoption shall be published as provided by law.

NOTICE

The foregoing was introduced by the Edgewater Park Township Committee at its meeting held on March 6, 2012. This ordinance will be consider for adoption of final reading and public hearing to be held on April 3, 2012 at 7:30 PM, or shortly thereafter, and place to which such meeting may be adjourned, in the Municipal Building, 400 Delanco Road, Edgewater Park, New Jersey. At which time and place all persons interested will be given an opportunity to be heard concerning said Ordinance. During the week prior to and up to and including the date of such

meeting, copies of said ordinance will be made available at the Clerk's office to the members of the general public who shall request the same.

Linda M. Dougherty, R.M.C.,
Municipal Clerk/Administrator

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Take Notice that the Ordinance identified above amends the Edgewater Park Township Code by adding Temporary Portable Pools (including Inflatable Pools) as accessory uses to residential single family properties in the R-1, R-2, R-3, R-4, R-5, R-6, R-7, R-8, R-LD, R-AR, R-AR-1, and C-2 Zones and Further Amends Section 8.40 Titled "Private Swimming Pools" and adds a new Section establishing the standards applicable to a 8.40.101 which establishes requirements applicable to Temporary Portable Pools, including permits, safety requirements, locations and inspections. It is the purpose of the ordinance to simplify the process so that variance applications will not be necessary for most temporary pools.

The Ordinance has been adopted on first reading by the Township Committee of the Township of Edgewater Park, County of Burlington, State of New Jersey, held on March 6, 2012. It will be considered for final passage after public hearing to be held on April 3, 2012, at 7:30PM in the Municipal Building, 400 Delanco Road, Edgewater Park, New Jersey.

Copies of the full ordinance are on file with the Township Clerk of the Township of Edgewater Park in the Municipal Building. Copies may be obtained on request and a copy is posted on the municipal bulletin board in the Municipal Building, 400 Delanco Road, Edgewater Park, New Jersey

Linda M. Dougherty, RMC/Administrator