

## SWIMMING POOLS

### Chapter 52

## SWIMMING POOLS

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[**HISTORY:** Adopted by the Mayor and Council of the Borough of Helmetta 6-12-68. Amendments noted where applicable.]

## GENERAL REFERENCES

Planning Board — See Ch. 12.

Building construction — See Ch. 28.

Subdivision of land — See Ch. 51.

Zoning — See Ch. 58.

Be it ordained by the Mayor and Council of the Borough of Helmetta, in the County of Middlesex and State of New Jersey:

## § 52-1. Definitions.

For the purpose of this chapter, except where the context requires a different meaning, the following words shall be defined as follows:

PERSON — Natural persons, firms, corporations, partnerships, clubs and associations, as the case may be.

## SWIMMING POOL:

- A. PUBLIC SWIMMING POOL — A swimming pool which is operated for profit and is available to the public generally for a fee.
- B. SEMIPUBLIC SWIMMING POOL — A swimming pool operated by a club, association, group of persons or any organization or person and not necessarily operated for profit, and used only for members of such group, association, club or groups and their guests.
- C. PRIVATE SWIMMING POOL — A swimming pool constructed on the property owned by an individual and maintained for his private use.
- D. SURFACE-MANUFACTURED SWIMMING POOL — A portable pool constructed of a plastic or any similar

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material, having a capacity of one thousand (1,000) gallons or more and having a depth of more than twelve (12) inches.

BOARD OF HEALTH — The Board of Health of the Borough of Helmetta.

BUILDING INSPECTOR — The Building Inspector of the Borough of Helmetta.

§ 52-2. **Permit to construct; application; fee; issuance.**

It shall be unlawful for any person to establish or construct any swimming pool in the Borough of Helmetta without first having obtained a permit therefor in the manner hereinafter provided.

A. An application for such a permit shall be made to the Building Inspector and the Board of Health of the Borough of Helmetta and shall consist of:

- (1) A plot plan showing property lines of the premises, all existing houses and structures thereon, abutting streets and properties and the location and dimensions of the proposed pool and its auxiliary structures. No pool shall be located within ten (10) feet of any boundary line, and each pool shall be in conformance with existing borough ordinances.
- (2) Plans and specifications for the proposed pool and all auxiliary structures and appurtenances related thereto.
- (3) A description of the method of disinfection, treatment and disposal of the water to be used by the owner or operator of the pool.
- (4) A statement of the maximum number of persons who will be allowed to use the pool at any one (1) time.
- (5) A tender of fees as fixed on an annual basis by resolution of the governing body shall be paid for the establishment, construction, alteration, change or modification of all pools not requiring a building permit. [Amended 7-10-68; 12-15-83]

- B. Said Building Inspector and the Board of Health shall, within thirty (30) days after receiving a complete and properly executed application for such permit, act upon the application in any of the following ways:
- (1) Approve the application as submitted and cause the permit to be issued.
  - (2) Approve the application subject to such additional sanitary safeguards in respect to the particular premises to be so used as the Building Inspector and the Board of Health deem that the public health may require and, upon receipt of an amended application providing for the additional sanitary safeguards prescribed by the Building Inspector and the Board of Health, shall cause the permit to be issued.
  - (3) Reject the application.
- C. No person shall make changes, alterations or modifications in any pool if such changes, alterations or modifications are of a nature which may affect the public health, until such plans and specifications therefor shall first have been submitted to and approved by the Building Inspector and the Board of Health and a permit acquired as set forth in this chapter. When granting such approval the Building Inspector and the Board of Health may stipulate such changes, alterations, modifications or conditions as they deem that the public health may require. The grant-

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ing of the permit shall be made subject to the compliance by the applicant with the provisions of this subsection.

- D. The permit shall be on a form prescribed by the Board of Health, to be issued subject to the provisions of this chapter and fees set forth herein and such additional sanitary safeguards in respect to the particular premises to be so used as the Board deems that the public health may require. The permit shall be made available for inspection at the swimming pool and may be revoked for cause by the Board of Health or for violation of the terms of this chapter and any additional sanitary safeguards prescribed by the Board of Health in granting the permit.

§ 52-3. Permit to operate.

No person shall operate any type of swimming pool until a permit therefor shall have been issued by the Building Inspector and the Board of Health.

- A. Permits issued for the operation of a swimming pool shall expire annually on May 31 of each year, and application for the renewal thereof shall be submitted prior to June 1 of each year. **[Amended 7-10-68; 8-12-70]**
- B. Swimming pools shall not be operated by any person until the Board of Health has given formal approval therefor by issuance of an appropriate permit. This permit shall be displayed in a conspicuous place on the premises where it may be readily observed by all persons. No person shall operate a pool whose permit is suspended.

**§ 52-4. Denial or revocation of permit.**

Permits required under this chapter may be denied, revoked or suspended by the Board of Health for failure to comply with this chapter or the ordinances pertaining to same. The Board of Health shall afford any person whose permit is denied, revoked or suspended an opportunity to be heard before the Board at a public hearing and, following said hearing, to be informed of the Board's decision within thirty (30) days after such hearing.

**§ 52-5. Construction and maintenance.**

Artificial pools shall be 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 all times. Inlets shall be so located and spaced as to secure satisfactory dispersion of inflowing waters throughout the pool and to permit draining, cleaning and disinfecting of the bottom and sides.

**§ 52-6. Sanitary quality of water.**

- A. Standards. The physical, chemical and bacterial qualities of the water shall comply with the latest recommendations made by the American Public Health Association and by the New Jersey State Department of Health.
- B. Revocation of permit. Failure to maintain the sanitary quality of the water prescribed by this chapter or to restore such water to the required quality within the time directed by the Board of Health, or for violation of the terms of this chapter, shall be deemed sufficient cause for revocation of a permit.

C. Pollution of pool. Urinating, defecating, expectorating or blowing the nose in any pool is prohibited and hereby declared unlawful.

D. Communicable disease. It shall be a violation of this chapter for any person having skin lesions, sore or inflamed eyes, mouth, nose or ear discharges, or who is the carrier of any communicable disease, to knowingly use any pool.

**§ 52-7. Closure.**

Whenever any pool by reason of mechanical defects, lack of proper supervision or failure to comply with the requirements of this chapter is a hazard to the health of users thereof or the general public, the Health Officer is authorized to summarily close such pool and to keep such pool closed until no further hazard to users of the same or the general public exists, subject to the right of appeal to the Board of Health by the owner or operator of such pool, which appeal shall not stay the action of the Health Officer.

**§ 52-8. Discharge system.**

There shall be no physical connection between a potable (public or private) water supply system and a pool at a point below the maximum flow line of the pool or to a recirculating or heating system of a pool, unless such physical connection is so installed and operated that no pool water can be discharged into such potable water supply system.

**§ 52-9. Water use.**

A. The discharge of any waste water shall in no case cause a nuisance. The drainage waste from any pool shall be

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discharged into a sand-filtering bed, or if not practicable, then, with the approval of the Board of Health, into a seepage pit or storm sewer if accessible, all as the Board of Health shall require and specify.

B. All pools 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.

C. The Health Officer may cause any pool subject to this chapter to be inspected for compliance with the plumbing aspect of this chapter and the Plumbing Code<sup>1</sup> of the Borough of Helmetta and any other borough ordinances, and any violations shall be subject to the enforcement procedures of this chapter or the Plumbing Code<sup>1</sup> or other borough ordinances, as the case may be.

§ 52-10. Emergency equipment.

Rescue equipment: compliance with rules and regulations of the State Department of Health and the statutory directives as set forth in R.S. 26:4A-1, R.S. 26:4A-2 and R.S. 26:4-3 and all other applicable rules and statutes promulgated in the future.

§ 52-11. Fences. [Amended 8-12-70]

All swimming pools shall be enclosed by a fence or other structure at a minimum height of four (4) feet and said enclosure shall not exceed six (6) feet and same shall be constructed at a minimum distance of five (5) feet from the pool itself, in a manner to prevent access to the pool by children.

A. All swimming pools now existing or hereafter constructed, installed, established or maintained, with the exception

<sup>1</sup> Editor's Note: See Ch. 65, Plumbing.

of wading and other pools not within the definition of § 52-1, shall be completely and continuously surrounded by a permanent durable wall, fence or barrier not less than four (4) feet in height above grade. 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 all gates and doors shall be equipped with self-closing and self-latching devices for keeping the gates or door securely 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 portable pool not within the definition of § 52-1 shall be enclosed by a durable wall, barrier or fence as described in the preceding paragraph, 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.]

#### § 52-12. Nuisances.

A swimming pool constructed, altered or operated in violation of the provisions of this chapter is hereby declared a nuisance and detrimental to public health.

**§ 52-13. Location.**

No swimming pool shall be constructed in the front yard as the term is defined in the Zoning Ordinance<sup>2</sup> of the Borough of Helmetta, or in violation of said ordinance. For the purposes of said ordinance, every swimming pool is hereby declared a structure as defined therein. (See also § 52-2A.)

**§ 52-14. Existing swimming pools.**

Sections of this chapter relating to location, establishment and construction shall not apply to swimming pools in existence at the time of its adoption, except that any alteration or change in any portion of any unit or units of such swimming pools shall be made in accordance with the applicable provisions of this chapter. Further, however, all provisions herein contained relating to the operation, maintenance and safety factors shall be applicable, and more specifically, all provisions with respect to safety, enclosures and fences shall be applicable to existing swimming pools.

**§ 52-15. Enforcement.**

- A. It shall be the duty of the Building Inspector and the Health Officer, respectively, to enforce the provisions of this chapter.
- B. The owner or operator of any pool within the Borough of Helmetta shall allow the said Building Inspector and the Health Officer or other authorized official access to any pool and appurtenances for the purpose of inspection to ascertain compliance with this chapter and all other borough ordinances at all reasonable times, subject, of course, to lawful procedures.

<sup>2</sup> Editor's Note: See Ch. 58, Zoning.

**§ 52-16. Violations and penalties.<sup>3</sup>**

- A. Any person or persons violating any provision of this chapter shall, upon conviction, be subject to a fine for each violation of not more than five hundred dollars (\$500.) or subject to imprisonment in the municipal or county jail for a period not to exceed ninety (90) days, or both, in the discretion of the Judge. Each day a particular violation continues shall constitute a separate offense.
- B. The above remedy shall not be exclusive, and injunction proceedings and other legal relief shall be sought and had if necessary.

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<sup>3</sup> Editor's Note: Amended upon adoption of Code.