

ARTICLE III. Private Swimming Pools

[Adopted 12-20-60 by Ord. No. 3319 as Article 2 of Chapter 30 of the Revised Ordinances of the City of Clifton, New Jersey, 1960]

§ 403-21. Adoption of standards by reference; copies on file.

[Added 8-16-88 by Ord. No. 5290-88 Editor's Note: This ordinance also provided for the redesignation of former §§ [403-21](#) through [403-34](#) as §§ [403-22](#) through [403-35](#), respectively.]

A. There is hereby adopted as part of this Article the whole of the Swimming Pool Code of New Jersey-1970, as revised and updated, prescribing regulations governing public swimming pools.

B. Three (3) copies of said Swimming Pool Code of New Jersey-1970 have been placed on file in the office of the City Clerk and in the office of the Health Department and shall remain on file in each of said offices for the use and examination of the public as long as this Article shall remain in effect.

§ 403-22. Definitions.

As used in this Article, the following terms shall have the meanings indicated:

FENCE

An enclosing barrier constructed in a durable manner of wood or metal or other firm building material which shall be not less than four (4) feet in height and which shall conform in all respects to those provisions of the Zoning Ordinance of the city regulating fences and walls or not less than four (4) feet in height which shall be so constructed and erected as to prevent any person from passing through the same by any means other than the use of a gate, except that any existing fence in compliance with the requirements of Chapter [403](#), Articles [II](#) and [III](#), of the Code of the City of Clifton in effect at the time of its construction shall be deemed to comply with the fencing requirements of this Article hereinbefore set forth in this section and in § [403-31](#).

LOCK

Any device or contrivance designed to fasten and lock a gate automatically upon the closing of such gate, and which can be released or opened by means of a key or combination only.

PERMANENT POOL

Any private swimming pool situated above or below ground level designed or constructed in such a manner that it cannot be emptied and removed for storage whenever the same is not in use.

PORTABLE POOL

Any private swimming pool situated above ground level designed or constructed in such a manner that it can be emptied and removed for storage whenever the same is not in use.

PRIVATE SWIMMING POOL

Any artificially constructed permanently installed or portable pool, tank or other similar structure situated above or below grade level with a side water depth in excess of 12 inches designed, installed or constructed to provide recreational facilities for swimming, bathing or wading, which is maintained for such recreational purposes by an individual for his use and the use of members of his household and guests and which is situated on the premises occupied by such individual as a residence and utilized as an accessory use thereto, and shall include all buildings, structures and equipment used in connection with and appurtenant to said pool.

§ 403-23. Permit required; conformity required.

It shall be unlawful for any person to:

A. Establish, construct or alter a private pool without first having obtained a permit therefor in the manner hereinafter prescribed in this article.

B. Maintain a private pool which is not in conformity with the requirements of this article.

§ 403-24. Permit for private pool.

A permit for a private pool shall be issued by the Building Inspector to the owner or agent of any residence property in the city upon compliance with the requirements for private pools as set forth in this article.

§ 403-25. Permit for permanent pool.

A. Any person owning or maintaining a private swimming pool within the city shall obtain a permit therefor from the Building Inspector. Application for such permit shall be made by the individual owning or maintaining such pool or his authorized agent. The application shall be accompanied by one set of plans and specifications or brochure or other descriptive printed material. The application also shall be accompanied by a plot plan of the lot on which the pool is to be installed, certified by a licensed land surveyor or engineer showing the existing contour lines of said lot and the proposed contour lines resulting from the installation of such pool and the proposed location of the pool on said lot.

B. The Building Inspector shall issue a permit for the setting up, construction, installation or alteration of a private swimming pool if the same complies with the requirements of this article and, in the case of a permanent pool, has been approved by the Plumbing Inspector and the Board of Health.

§ 403-26. Permit fees; expiration of permit.

A. The following annual permit fees shall be paid to the Building Inspector before issuance of the permit:

(1) For all pools: \$5.

[Amended 1-5-2009 by Ord. No. 6788-09]

B. Permits or renewals thereof shall expire on May 1 of each year.

§ 403-27. Connection to water supply.

There shall be no physical connection between a potable public or private water system and such pools or their circulating systems.

§ 403-28. Drain required.

All permanent pools constructed after May 26, 1960, shall be provided with a drain. The drain shall not be over six (6) inches in diameter and shall extend from said pool to a brook, adequate dry well, storm sewer or sanitary sewer.

§ 403-29. Zoning provisions to govern maximum size.

A. All private swimming pools within the city shall comply with and be governed by the Zoning Ordinance of the city and shall be regulated as an accessory building.

B. No private swimming pool shall be permitted capable of holding water having a surface area in excess of twenty-five percent (25%) of the yard in which said pool is situated.

§ 403-30. Lighting; electrical equipment.

A. Artificial lighting installed, maintained or operated in connection with a private pool shall be so situated and shaded as to direct any such lighting away from adjoining premises and shall be situated, maintained and operated in such manner as not to constitute a nuisance or an annoyance to occupants of adjoining premises.

B. All electrical fixtures, lights and lighting, wiring and electrical installations of any kind or character installed or maintained and operated in connection with or as an incident to the use, maintenance and operation of a private pool shall conform to the standards set forth in the National Board of Fire Underwriters Code and shall be inspected and approved by the inspector of the Middle Department, Association of Fire Underwriters, designated to make inspections of electrical installations for and on behalf of the city.

§ 403-31. Fencing requirements.

A. Except as hereinafter expressly provided, every private swimming pool shall be completely surrounded by a fence which shall be situated not less than five (5) feet distant from the edge of the pool and contain a gate of the same height and material as the fence, which shall have a lock installed thereon. Every such gate shall be kept closed and securely locked at all times except during the actual ingress and egress of any person going to or from the pool. The wall of a residence or accessory building or an existing wall or fence may be used as part of the fence surrounding the pool, provided that such use of the same shall comply in all respects with the requirements of this Article and of the Zoning Ordinance of the city governing the location of accessory uses.

B. No fence shall be required for a portable pool the side water depth of which does not exceed twelve (12) inches; provided, however, that the longest horizontal dimension thereof does not exceed seven (7) feet. Any such portable pool shall, however, be removed and stored whenever the same is not in actual use and under the supervision of a responsible adult.

C. No fence shall be required for any private swimming pool having sides constructed of wood, metal or other firm building material of a height of not less than six (6) feet measured from ground level or having sides with a fence or barrier around the top thereof, said sides and fence or barrier combined having a height of not less than six (6) feet measured from ground level where the sole means of access to said pool is by a ladder or stairway extending from ground level to the top of the side of said pool; provided, however, that where such ladder or stairway is removable or portable, it shall be removed and stored whenever said pool is not in actual use and under the supervision of a responsible adult or, where the ladder is not removable or portable, there shall be installed across the top thereof a gate of not less than four (4) feet in height equipped with a lock, which gate shall be closed and securely locked at all times except during the actual ingress and egress of any person passing to or from the pool.

§ 403-32. Unnecessary or disturbing noise prohibited; creation of nuisances prohibited.

A. No person shall make or permit or cause to be made in or about any private pool any unnecessary, loud or unusual noise or any noise which annoys, disturbs, injures or endangers the peace, quiet and comfort of others. In the use, maintenance or operation of a private pool, no person shall use or permit or cause to be used any radio, receiving set, tape recorder, phonograph, musical instrument or other machine, device or contrivance capable of producing or reproducing sound in such a manner as to disturb the peace, quiet and comfort of others or at any time with greater volume than is necessary for the convenient hearing of any person in or about any private pool.

B. No private pool shall be used at any time in such a manner as to create a nuisance or disturbance to other properties in the vicinity or to the inhabitants thereof.

§ 403-33. Enforcement; inspections.

A. Every private pool shall at all times comply with the requirements of all health authorities having jurisdiction in the premises. Any nuisance or hazard to health which may exist or develop in, or in consequence of, or in connection with, any such pool shall forthwith be abated and removed by the person in possession of such pool upon receipt of notice to that effect from the Building Inspector, Health Inspector or other authority having jurisdiction in the premises.

B. The Fire Public Safety Department and the Health Department may inspect and approve the manner and method of storage on any premises whereon a private pool is situated of all chemicals or other similar water-purifying agents used in connection with the maintenance and operation of any such private pool.

[Amended 3-18-80 by Ord. No. 4557-80; 7-2-85 by Ord. No. 4988-85]

§ 403-34. Violations and penalties.

[Amended 11-14-66 by Ord. No. 3718; 5-9-69 by Ord. No. 3912; 3-17-70 by Ord. No. 3969; 318-80 by Ord. No. 4557-80]

A. Any person who violates or causes, suffers or permits the violation of any provision of this Article shall, upon conviction thereof, be punished by a fine not exceeding two hundred dollars (\$200.) or by imprisonment for a term not exceeding ninety (90) days, or both. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

B. The penalties provided for herein shall not apply to renewal permits unless the Building Department gives to the permittee at least ten (10) days' written notice to renew the permit and said permittee fails to renew the permit within the time period provided.