

CHAPTER 35

SWIMMING POOLS

§35.1 **Family swimming pool defined**

The term "family swimming pool" as used in this chapter shall mean any body of water or receptacle for water having a depth at any point greater than eighteen (18) inches in depth, or two thousand (2,000) gallons in volume, used or intended to be used for swimming or bathing and constructed, installed or maintained in or above ground outside of any building.

§35.2 **Enclosure required**

A. Every family swimming pool having a depth of eighteen (18) inches or more shall be completely surrounded by a substantial fence or wall not less than four (4) feet nor more than eight (8) feet in height, which shall be so constructed as not to have openings, holes or gaps larger than four (4) inches in any dimension except for doors or gates. Picket-type fencing will be acceptable provided there is no distance greater than two (2) inches between pickets. The use of so-called chicken wire fence, snow fence or similar fencing shall not be acceptable for such enclosure. No protection fence shall be installed which is less than four (4) feet from the perimeter of the pool proper. All fencing as to materials, construction and location shall be subject to prior approval of the Zoning Enforcement Officer, as provided in §35.6 hereof and with his permission, the adjoining wall of a house may be used as part of the required fencing.

B. The side walls of an above-ground pool shall be considered sufficient in place of a fence provided that they are a minimum of four (4) feet above the level of the ground immediately surrounding the pool at all points, and such pool shall be equipped with an approved folding or adjustable safety-type ladder.

C. All gates or doors through the enclosure shall be equipped with a self-closing and self-latching device for keeping the gate or door securely closed and locked at all times when not in actual use, except that the door of any dwelling which forms a part of the enclosure need not be so equipped.

§35.3 **General requirements**

All such pools shall:

1. Comply with all residential setback regulations applicable to the lot; the outside dimensions of the pool for the purpose of setback provisions shall be the outside of the pool proper.
2. Be properly sealed to prevent seepage.

§35.3 MUNICIPAL CODE

3. Provide a means for proper discharge or drainage of the pool into sanitary sewers or by other means approved by the Zoning Enforcement Officer which shall not be detrimental to other properties.

4. Be equipped with proper apparatus to maintain the water in such pool in a sanitary condition at all times in accordance with the Bacterial Standards of the Sanitary Code of the State of New York.

5. Lighting, if desired, shall be so installed as to provide a proper safeguard against the danger of electric shock, and the lights shall be shielded so as not to interfere with or be an annoyance to adjoining property owners. Any new installations of underwater lighting shall be inspected and approved in accordance with the State Building Construction Code.

6. Be provided with temporary fencing during the period of installation.

§35.4 **Unnecessary noise prohibited**

It shall be unlawful for any person to make, continue or cause to be made or continued at any such family swimming pool any loud, unnecessary or unusual noise or any noise which annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others. In the operation of a family swimming pool, the use or permitting the use or operation of any radio, receiving set, musical instrument, phonograph or other machine or device for the producing or reproducing of sound in such manner as to disturb the peace, quiet and comfort of the neighboring inhabitants, or at any time with louder volume than is necessary for convenient hearing of the person or persons who are in the swimming pool premises, shall be unlawful.

§35.5 **Duty of owner, occupant or tenant**

Any person in possession of land within the Village, either as owner, lessee or tenant, upon which is situated a family swimming pool having a minimum depth of eighteen (18) inches, or a volume of more than two thousand (2,000) gallons, shall provide and maintain such fence or wall as provided in §35.2 hereof, and shall maintain said pool in accordance with §35.3 hereof.

§35.6 **Permits**

A building permit for the installation of any such pool shall be obtained from the Zoning Enforcement Officer, and any such permit shall be issued only upon compliance with all provisions of the Municipal Code and the following:

SWIMMING POOLS

§35.10

1. Detailed plans in duplicate shall be submitted which shall show the location, construction, fencing, materials and the capacity of the pool and the compliance with §35.2 and §35.3 above.
2. Payment of a fee based on a rate of One Dollar (\$1.00) per one thousand (1,000) gallon capacity, with a maximum fee of Fifteen Dollars (\$15.00) which shall be in lieu of any other building permit fee.

§35.7 **Preexisting family swimming pools**

Any existing swimming pool shall be enclosed with a permanent fence or wall as above provided and maintained in accordance with this chapter.

§35.10 **Penalties for offenses**

Any person who shall violate any of the provisions of this chapter shall be deemed guilty of a violation, and upon conviction thereof shall be fined in any sum not to exceed One Hundred Dollars (100.00). Each day that a violation of this chapter continues shall constitute a separate and distinct offense and shall be punishable as such.

Reference:

Regulation of swimming pools may be construed to be part of zoning regulations requiring compliance with statutory provisions for enactment and amendment of zoning laws. Hillside Motel v. Tn. of Brunswick, 74 Misc 2d 1001