

## Chapter 75 SWIMMING POOLS

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| § 75-1. <b>Definitions.</b>                                     | § 75-7. <b>Swimming pool drain.</b>          |
| § 75-2. <b>Permit to construct pool required.</b>               | § 75-8. <b>Pool location.</b>                |
| § 75-3. <b>Application for permit.</b>                          | § 75-9. <b>Lighting and noise nuisances.</b> |
| § 75-4. <b>Permit to operate pool; inspection.</b>              | § 75-10. <b>Pool enclosure.</b>              |
| § 75-5. <b>Owner to maintain pool in sanitary condition.</b>    | § 75-11. <b>Compliance required.</b>         |
| § 75-6. <b>Connection with potable water supply prohibited.</b> | § 75-12. <b>(Reserved)</b>                   |
|   | § 75-13. <b>Severability.</b>                |
|   | § 75-14. <b>When effective.</b>              |

[HISTORY: Adopted by the Merchantville Borough Council 11-9-1959. Amendments noted where applicable.]

### GENERAL REFERENCES

Emergency water regulations — See Ch. 22.  
Noises — See Ch. 46.

Water Commission — See Ch. 89.  
Zoning — See Ch. 94.

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#### § 75-1. **Definitions.**

The words, terms or phrases listed below, for the purpose of this chapter, shall be defined as follows:

**PRIVATE SWIMMING POOL** — Any body of water, tank or receptacle for water, whether artificially or semiartificially constructed or portable, having a depth at any point greater than two feet and used or intended to be used for swimming or bathing solely by the owner, his family or guests of the household and constructed, installed, established or maintained outside any building in or above the ground upon any premises as an accessory use to the residence. [Amended 3-14-1966]

**PUBLIC SWIMMING POOL** — Any pool used and maintained by an individual, firm, corporation, club or association of persons for use by the public or club members and their invitees and guests.

**WADING POOL** — Any artificially constructed pool, not designed or used for swimming, with a maximum depth of two feet, whether permanent or portable, but shall not include a portable “wading pool” no part of which is permanently installed, which has a capacity of less than 250 gallons and is intended for use by children. [Amended 3-14-1966]

#### § 75-2. **Permit to construct pool required.**

It shall be unlawful to construct or establish a private swimming pool, wading pool or public swimming pool as herein defined without obtaining a permit therefor in the manner hereinafter described.

#### § 75-3. **Application for permit.**

Application for a permit for the construction of a swimming pool or wading pool shall be made to the Building Inspector. Each application shall be accompanied by duplicate sets of plans, specifications and plot plans of the property. The location of the pool on the property shall be shown, together with the location, height and type of fencing or walls and accessory buildings. No permit shall be issued until the plans, specifications and plot plan has been approved by the Building Inspector and approval has been certified on said plans. A fee of \$20.00 shall be paid for a swimming pool permit, and a fee of \$5.00 shall be paid for a wading pool permit.

#### § 75-4. **Permit to operate pool; inspection.** [Amended 3-14-1966]

On or before June 1 of each year, the owner of each swimming pool or wading pool shall obtain from the Borough Clerk a permit for the operation of said pool for the current calendar year. Application for each permit must be made in writing. Within 10 days after the receipt of such application, an inspection of the pool shall be made by an authorized representative of the Borough of Merchantville to ensure compliance with the provisions of this chapter. When such inspection is completed and the pool approved, said permit shall be issued. There shall be a fee of \$5.00 for each annual swimming pool or wading pool permit.

#### § 75-5. **Owner to maintain pool in sanitary condition.**

Construction and design of such pools shall be such that same may be maintained and operated as to be clean and sanitary at all times. The owner of every such pool shall be responsible to maintain said pool in such condition as to prevent breaks in the pool chassis or water from the pool overflowing into adjacent public or private property. Sand or earth bottoms shall be constructed, equipped and maintained in strict conformity with the currently published provisions of the Swimming Pool Code issued by the State Board of Health.

#### § 75-6. **Connection with potable water supply prohibited.**

There shall be no connection between a potable public or private water supply system and a pool at a point below the maximum flow line of the pool. No pool water shall be discharged or siphoned into a potable water supply system.

#### § 75-7. **Swimming pool drain.**

Each swimming pool and wading pool as herein defined shall be provided with one drain pipe which shall not be over two inches in diameter. Such drain pipe shall provide drainage from such pool to the property of the owner or to a storm sewer, stream or, where approved by Borough Council, to the gutter at the curblin. No pool drain shall be connected to a sanitary sewer without the written consent of the appropriate sewer authority.

#### § 75-8. **Pool location.** [Amended 3-14-1966]

No private swimming pool or wading pool shall be erected, installed or maintained nearer than 15 feet to any property line or structure nor nearer to the street line on which said premises fronts than the main rear wall of the dwelling erected thereon. No private swimming pool or wading pool shall be constructed or installed on any lot unless on said lot shall be located a residence building or unless said lot is part of a residence curtilage.

**§ 75-9. Lighting and noise nuisances.**  
**[Amended 3-14-1966]**

- A. Lighting. No artificial lighting shall be installed, maintained or operated in such a manner as to be a nuisance or annoyance to neighboring property.
- B. Noise. It shall be unlawful for any person to make, continue or cause to be made or continued at any such 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.

**§ 75-10. Pool enclosure.**  
**[Amended 3-14-1966]**

All permanent private swimming pools and wading pools shall be completely surrounded by a fence or wall of the type and dimensions hereinafter specified:

- A. All portable private swimming pools and portable wading pools, unless enclosed by a fence or wall of the type and dimensions hereinafter specified, shall, when not in use or unattended, be either emptied or covered with a suitable, strong protective covering, securely fastened or locked in place.
- B. Whenever a fence or wall is required to be erected under this chapter, it shall be not less than five (5) feet nor more than six (6) feet in height and shall be constructed so as not to have openings, holes or gaps larger than four inches in any dimension, except for doors or gates. If a picket fence is erected or maintained, the horizontal dimension shall not exceed four inches. A dwelling house or accessory building may be used as part of such enclosure. All gates used in conjunction with the fence or wall shall meet the same specifications as the fence or wall itself and shall be equipped with approved locking and latching devices which shall be locked at all times when the pool is not in use.

**§ 75-11. Compliance required.**  
**[Amended 3-14-1966]**

- A. The owner and operator of every swimming pool or wading pool constructed in the Borough of Merchantville shall at all times comply with the provisions of this chapter and with such requirements as may be promulgated by the Board of Health of the Borough of Merchantville and the State of New Jersey.
- B. The owner or operator of any pool within the Borough of Merchantville shall allow the Building Inspector, the Health Officer or other authorized official access, at all reasonable times, to any private swimming pool, wading pool or appurtenances thereto for the purpose of inspecting to ascertain compliance with this chapter and all other pertinent borough ordinances.

**§ 75-12. (Reserved)**  
**Editor's Note: Former § 75-12, Violations and penalties, was repealed 5-27-1997.**

**§ 75-13. Severability.**

If any section, subsection, sentence, clause or phrase of this chapter shall be held for any reason to be unconstitutional or invalid, such decision shall not affect the remaining portions of this chapter.

**§ 75-14. When effective.**

This chapter shall take effect immediately upon final passage and publication according to law; provided, however, that § 75-10 shall not become effective as to existing pools until six months thereafter.