

These regulations may, from time to time, be revised, modified or amended as prescribed by local law.

Chapter 54

SWIMMING POOLS, PRIVATE

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[HISTORY: Adopted by the Board of Trustees of the Village of Port Dickinson 7-9-74 as Local Law No. 4-1974. Amendments noted where applicable.]

GENERAL REFERENCES

Building construction — See Ch. 26.
Sewers — See Ch. 49.
Water — See Ch. 62.
Zoning — See Ch. 65.

- § 54-1. Legislative intent.

By enactment of this chapter of the Village Code, the Board of Trustees finds as a matter of legislative intent and public policy that the installation, construction and maintenance of private swimming pools present problems which directly affect the health, safety and welfare of residents of the village and others and, therefore, should be subject to certain regulations and controls.

- § 54-2. Definitions.

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

PERSON — Any owner, lessee or occupant of any land or property within the Village of Port Dickinson, whether an individual, corporation, partnership, club, group or other association.

SWIMMING POOL — Any enclosure or container, whether prefabricated or individually constructed above or beneath the surface of the ground, which is designed, intended or used for swimming or bathing and which has a capacity in excess of three thousand seven hundred sixty (3,760) gallons of water.

§ 54-3. Applicability.

Nothing in this chapter shall be construed to apply to any public swimming pool facility which would be subject to regulation and control by the New York State Department of Health or any similar public authority.

§ 54-4. Permit required.

No person shall install, construct or enlarge a private swimming pool within the Village of Port Dickinson without first having obtained a building permit to do so.

§ 54-5. Application for permit.

Each application for a permit pursuant to this chapter shall be made to the Village Building Inspector in writing on forms to be provided by the village and shall be accompanied in duplicate by a set of the following:

- A. A plot plan showing:
 - (1) The boundary lines of the property or land upon which the proposed pool is to be constructed, installed or located.
 - (2) All existing buildings and other structures.
 - (3) The exact location and dimensions of the proposed pool and all auxiliary structures.
 - (4) The distance from the pool to any residence building as well as from the pool to the various boundary lines of the property on which it is to be located.
- B. A detailed description of the fence or other enclosure proposed to surround the pool, including the type of material, height of the enclosure and number and location of gates and doors.
- C. A statement of the method proposed for disposing of waste water from the pool.

§ 54-6. Regulations.

The following regulations shall govern the construction, installation, location and maintenance of private swimming pools:

- A. No pool may be constructed, installed or located on any front or side lawn or yard, within five (5) feet of the rear lot line, within five (5) feet of any side lot line nor within ten (10) feet of any residence, except the residence of the owner.
- B. A swimming pool shall be provided with adequate drainage. Drainage shall be into the storm sewer system. Upon inspection of the property by the Code Enforcement Officer, approval may be issued by him to discharge the pool water into a lawn, in fields or woods, or to a dry well or to a series of dry wells, provided water does not overflow into adjoining property.

- C. Lighting of swimming pools and any electrical installations in connection therewith shall be approved by the New York State Fire Underwriters Board.
- D. There shall be erected around all swimming pools a fence designed to prevent small children from wandering into said pool and so constructed as will not shut off light or air to any building. An above-ground pool will not require separate fencing. Such fencing required by this sub section shall completely surround the area of the swimming pool but shall not be less than three (3) feet from the edge of the swimming pool except where an integral part of the pool. Any and all gates shall have locking devices and shall be locked while the premises are not under the supervision of an adult or experienced swimmer. Any structure adjacent to the pool may serve as a portion of the fence.
- E. Any access ladder or steps used to enter or leave an above surface pool which is not entirely fenced by separate fencing shall be removed from the pool when the same is not in use.

§ 54-7. Use standards.

Use of the swimming pool shall be in a reasonable manner and at reasonable times so as not to cause undo discomfort, noise and/or annoyance to adjacent residents.

§ 54-8. Fees.

Each application for a permit to construct or install a swimming pool or enlarge an existing pool shall be accompanied by a fee of five dollars (\$5).

§ 54-9. Preexisting conditions.

Any swimming pool and its appurtenant structures, including fencing, already constructed on the date of the enactment of this chapter shall not be subject to the requirements hereof relating to location of the pool, distance from boundary lines and other structures, location or type of fence, so long as there is in existence a fence surrounding the pool, unless an enlargement of the existing facilities is applied for. Neither shall the owner, lessee or the operator of the pool be required to secure a permit or pay a fee therefor, except in the event of an enlargement. Notwithstanding the foregoing, however, every pool whether heretofore or hereafter constructed or installed shall be subject to all other provisions of this chapter.

§ 54-10. Penalties for offenses.

- A. Any person committing an offense against any provision of this chapter shall, upon conviction, be guilty of a violation pursuant to the Penal Law of the State of New York, punishable by a fine not exceeding two hundred fifty dollars (\$250.) or by imprisonment for a term not exceeding fifteen (15) days, or by both such fine and imprisonment.
- B. In addition to the above provided penalties the Village Board of Trustees may also maintain an action or proceeding in the name of the village in a court of competent jurisdiction to compel compliance with or restrain by injunction the violation of this chapter.