

**ORDINANCE 2022-08**

**AN ORDINANCE OF THE BOROUGH OF BARNEGAT LIGHT,  
COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING  
AND SUPPLEMENTING CHAPTER 180 OF THE BOROUGH  
CODE, ENTITLED "SWIMMING POOLS," TO REVISE THE  
REGULATIONS PERTAINING TO THE SAME.**

**BE IT ORDAINED** by the Mayor and Borough Council of the Borough of Barnegat Light, County of Ocean, State of New Jersey, as follows:

**SECTION 1.** Section 180-2 of Chapter 180 of the Borough Code of the Borough of Barnegat Light, entitled "Definitions," is hereby amended and supplemented to provide as follows:

Chapter 180  
**SWIMMING POOLS**

§ 180-2. Definitions.

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

....

HOT TUB

Any pool installed either above or below the level of the surrounding land, having a surface area of water of 75 square feet or less and designed, used and maintained for bathing purposes.

....

SWIMMING POOL

Any private pool, whether permanently constructed or of the portable type, having a depth of more than 18 inches below the level of the surrounding land or having a depth of more than 24 inches when partly or wholly above ground or having a water surface area exceeding 75 square feet, designed, used and maintained for swimming or bathing purposes by an individual for use by his guests and located on the applicant's land or land under the applicant's control, and shall include all buildings, structures, equipment and appurtenances thereto.

....

WADING POOL

Any shallow pool, whether permanently constructed or of the portable type, which is less than 18 inches below the level of the surrounding land, less than 24 inches deep when partly or wholly above ground and less than 75 square feet in water surface area.

All other definitions set forth in Section 180-2 shall remain in full force and effect.

**SECTION 2.** Section 180-4 of Chapter 180 of the Borough Code of the Borough of Barnegat Light, entitled "Permit required, fees," is hereby amended and supplemented to provide as follows:

§ 180-4. Permit required; fees.

A. Application. Before excavation or any other work is commenced on the construction of a pool or the alteration, enlargement, remodeling or other improvement thereof, an application shall be made to the Construction Code Official which shall be accompanied by final plans, specifications and reports in duplicate showing the following data:

(1) Detailed plat plan of the entire property showing existing structures on the premises and adjoining premises, the location of nearby septic tanks, disposal fields and seepage pits and the proposed pool drawn to scale, with pertinent dimensions and grade elevations shown at pool, building and property lines.

(2) Detailed plans to scale with dimensions and specifications for the construction of the pool or other change in existing pools, including piping arrangement; pumps; water treatment facilities, including operating instructions therefor; source of water to be used and a report showing quality thereof for potable purposes; provisions for emptying pool and disposal of wastewater; and all other facilities proposed by the applicant or required by this chapter.

B. Exception. Neither an application nor a permit for construction or installation of a wading pool is required.

C. Issuance of permit. When the plans and specifications are filed in a form complying with this chapter and they have been approved by the Construction Code Official and the Zoning Officer, a permit to construct the same shall be issued. Upon completion, no pool shall be used until inspected by the Construction Code Official and the Zoning Officer, and a certificate of occupancy has been issued by the Construction Code Official. *ALL POOL CONSTRUCTION AND INSPECTIONS MUST BE COMPLETED WITHIN 60 DAYS OF THE ISSUANCE OF THE PERMIT.*

D. Fees. Fees shall be as set forth in § 76-14A(1)(f) of the Code of the Borough of Barnegat Light.

**SECTION 3.** Section 180-5 of Chapter 180 of the Borough Code of the Borough of Barnegat Light, entitled "Location," is hereby amended and supplemented to provide as follows:

§ 180-5. Location.

A. No swimming pool shall be constructed or installed on any lot unless a residential dwelling is located upon the lot or unless the lot is located immediately adjacent to the owner's residence.

B. No swimming pool shall be installed within 30 feet of any street line or closer to the street than the existing building setback line, whichever is greater.

C. The distance from any side and the rear lot line to the inside face of the closest swimming pool, wading pool or hot tub wall *SHALL NOT BE LESS THAN THE MINIMUM BUILDING SIDE AND REAR SETBACK REQUIREMENTS OF THE ZONE.*

D. All pumps and filtration systems shall be located not closer than five feet to any property line, but not interfere with side property setbacks.

E. No swimming pool shall be constructed within 10 feet of the foundation wall of any dwelling, whether such dwelling shall be on the same premises on which the swimming pool is to be constructed or on adjacent premises.

F. The Zoning Board of Adjustment may grant a variance from the provisions of this section in the same manner that other variances are granted under Chapter 215, Zoning.

**SECTION 4.** Section 180-10 of Chapter 180 of the Borough Code of the Borough of Barnegat Light, entitled "Violations and penalties," is hereby amended and supplemented to provide as follows:

§ 180-10. Violations and penalties.

A violation of this chapter shall be punishable as provided in Chapter 1, General Provisions, § 1-15.

IN ADDITION, THE BOROUGH CODE ENFORCEMENT OFFICER SHALL HAVE THE POWER TO REVOKE ANY PERMIT AND ISSUE A STOP-WORK ORDER WHERE THE REQUIREMENTS OF THIS CHAPTER ARE BEING VIOLATED, AND TO ISSUE VIOLATION NOTICES ASSESSING A PENALTY OF \$200 PER DAY UNTIL ANY SUCH VIOLATION IS ABATED AND BROUGHT INTO COMPLIANCE.

**SECTION 5.** All ordinances of parts of ordinances inconsistent herewith are hereby repealed.

**SECTION 6.** This ordinance shall take effect immediately upon its enactment after second reading and publication as required by law.

**NOTICE**

**NOTICE IS HEREBY GIVEN** that the foregoing ordinance was introduced and passed on first reading at a regular meeting of the Borough Council of the Borough of Barnegat Light, in the County of Ocean, State of New Jersey, on the \_\_\_\_ day of \_\_\_\_\_, 2022 and will be considered for final passage at a regular meeting of said governing body to be held at the Municipal Building, 10 East 7th Street, Barnegat Light, New Jersey, on the \_\_\_\_ day of \_\_\_\_\_, 2022, at 5:00 p.m., at which time and place any persons desiring to be heard upon the same will be given the opportunity to be so heard.

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BRENDA L. KUHN, Municipal Clerk

**Passage on 1<sup>st</sup> Reading:** date:\_\_\_\_\_ moved by\_\_\_\_\_ seconded by\_\_\_\_\_

VOTE:

Spark \_\_ Wellington \_\_ Alloway \_\_ Reynolds \_\_ Foley \_\_ Mikuletzky \_\_

Attest:

\_\_\_\_\_  
BRENDA L. KUHN, Municipal Clerk

**Final Passage on 2<sup>nd</sup> Reading:** date:\_\_\_\_\_ moved by\_\_\_\_\_ seconded by\_\_\_\_\_

VOTE:

Spark \_\_ Wellington \_\_ Alloway \_\_ Reynolds \_\_ Foley \_\_ Mikuletzky \_\_

Attest:

\_\_\_\_\_  
BRENDA L. KUHN, Municipal Clerk

**Mayor Approval:**

\_\_\_\_\_ date:\_\_\_\_\_

KIRK O. LARSON, Mayor

Attest:

\_\_\_\_\_  
BRENDA L. KUHN, Municipal Clerk