

Borough of Norwood

Ordinance No. 18:02

An Ordinance Amending Chapter 233 the Code of the Borough of Norwood titled "Zoning" to Regulate the Location of Swimming Pools and the Required Fencing for Swimming Pools

WHEREAS, the Mayor and Council of the Borough of Norwood is authorized to create and from time to time modify land use regulations consistent with the Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.) ("MLUL"), and the purpose of this ordinance is to better regulate the location of swimming pools and the fencing for swimming pools in the Borough, to better enforce the provisions of Norwood's land use ordinances, as authorized by the MLUL, and to advance the public health, safety, and welfare of Norwood's residents and property owners.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Norwood as follows:

Section 1: A new Section 233-26(I) is added to the Code of the Borough of Norwood ("Code") provision listing accessory uses in the residential zoning districts, to state the following:

- I. Swimming pools are permitted only if they meet the following requirements:
 - (1) All permanent swimming pools will be placed so to comply with the following:
 - (a) Fifteen (15) feet from all side yards in R-22 and R-40 Zones.
 - (b) Ten (10) feet from all side yards in R-75 and R-10 Zones.
 - (c) Ten (10) feet from the rear yard in all zones.
 - (d) Ten (10) feet from the foundation of residence in all zones.

- (2) All permanent swimming pools constructed, installed, established, or maintained will be completely and continuously surrounded by a permanent durable wall, fence, or barrier, which will be no more than six (6) feet nor less than four (4) feet in height above grade, and will have no opening, mesh, hole, or gap larger than two (2) inches in any dimension, except for doors and gates; provided, however, that if a picket fence is erected or maintained, the horizontal dimension of any gap or opening will not exceed 2 ½ inches. All fences will be constructed in accordance with other borough ordinances regulating fences. No fence may contain projections of any kind at any point on the fence's outer surface. A dwelling house or accessory building may be used as part of the required enclosure. All gates used in conjunction with any of the above-described enclosures will conform to the specifications required above as to height and dimensions of openings, mesh, holes, or gaps in the case of fences, and all gates and doors will be equipped with self-closing and self-latching devices to keep the gate or door securely closed at all times when the pools is not in use. Gates and doors must be locked when the pool is not in use or is unguarded or unattended; provided, however, that nothing herein contained will be construed to require the construction of an additional wall, fence, or barrier where, in lieu thereof, the entire premises or a part thereof wherein the pool is contained will be fully enclosed by a wall, fence, or barrier that meets the specifications set forth herein.
- (3) Every portable pool will be enclosed by a durable wall, barrier, or fence as described in the preceding subsection, unless the portable pool is:
 - (a) Emptied when not in use or is unattended; or
 - (b) Covered with a suitable, strong protective covering fastened or locked in place when the pools is not in use or is unattended. A cover will be considered to be of sufficient strength if, when fastened or locked in place, it will support a minimum dead weight of two hundred (200) pounds.
- (4) All above ground pools with a height above the ground level of not less than four feet (48 inches) are exempt from the perimeter fencing requirements only when the pool is provided with a retractable or swing-up ladder or steps or has additional fencing above the forty-eight-inch or four-foot minimum with a gate and lock to deny access when a pool is not in use.

Section 2: Code Section 233-3(B) is amended to add the following definitions:

PERMANENT SWIMMING POOL – A water-filled, permanently constructed or located enclosure with a depth of more than 18 inches below the level of the

surrounding land, or if above the level of the surrounding land, with a depth of more than 30 inches, which is designed, used, and maintained for swimming and bathing.

PORTABLE POOL – Any above-surface type of swimming pool constructed of canvas, rubber, plastic, or other similar material or materials, which is not designed or intended to be stationary or permanently fixed, but is designed or intended to be moved, removed, and stored when it is not being used.

Section 3: Code Section 233-23.2 (A)(8) titled “Fences” is amended to state: “Fences around permanent swimming pools and portable pools will comply with the requirements of Code §233-26 (I).”

Section 4: All ordinances or parts of ordinances that are inconsistent with the provisions of this ordinance are hereby repealed, but only to the extent of any inconsistencies.

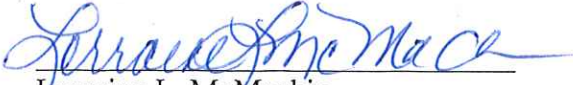
Section 5: The provisions of this ordinance are severable. If any part of this ordinance is declared to be unconstitutional or invalid by any court, the remaining parts of this ordinance will remain in full force and effect.

Section 6: This ordinance will take effect upon passage and publication in accordance with N.J.S.A. 40:49-2(d), and copies will be served on the County Planning Board and the Borough’s tax assessor within thirty (30) days of adoption.

Introduced and passed first reading: February 14, 2018

Passed second reading: March 14, 2018

ATTEST:



Lorraine L. McMackin,
Borough Clerk

APPROVED BY:



James P. Barsa, Mayor