

# Local Law Filing

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**County City Town x Village**

*(Select One)*

of Island Park

**Local Law No. 6 of the year 2017**

**A local law** revising the Code of the Incorporated Village of Island Park entitled "Private Swimming Pools".

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**Be it enacted by the** BOARD OF TRUSTEES **of the**  
*(Name of Legislative Body)*

**County City Town x Village**

*(Select One)*

of Island Park **as follows:**

### SECTION 1. LEGISLATIVE INTENT

The Village of Island Park is committed to the safety of the residents in regard to pool installation and operation. This law has been strengthened in the areas of fencing and pool alarms.

### SECTION 2. PRIVATE SWIMMING POOLS

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

a. ABOVEGROUND SWIMMING POOL

A permanent or portable pool or structure that is 18 inches in depth, intended for wading, bathing or constructed or installed with at least 50% of the height or the pool walls at and above property grade and made predominantly of rubber, vinyl, fiberglass or other impervious material. Outdoor and aboveground spas, Jacuzzis or whirlpool baths having the foregoing characteristics shall require a pool permit and shall be subject to regulations applicable to aboveground pools.

b. IN-GROUND SWIMMING POOL

A permanent pool or structure containing water greater than 18 inches in depth, intended for wading, bathing or swimming purposes, constructed or installed at and below property grade and made of concrete, masonry, metal or other impervious material. Outdoor and in-ground spas, Jacuzzis or whirlpool baths having the foregoing characteristics shall require a pool permit and shall be subject to regulations applicable to in-ground pools.

### **SECTION 3. INTERPRETATION**

A. A swimming pool complying with the provision of this article shall only be permitted as an accessory use to a dwelling for their residents of such dwelling, their guests or as an accessory use to a school, church, club or other private facility for recreation.

B. For the purpose of complying with yard, setback, coverage, height and all other bulk regulations prescribed by this article, a private swimming pool shall include adjacent or attached decks, diving boards, filters, heaters, ladders and other machinery or appurtenances extending above the surrounding grade and used in connection with such swimming pool, except fences.

### **SECTION 4. FENCES**

A. All swimming pools shall be completely enclosed within the rear yard by a sturdy chain link fence, quality wood stockade fence, or PVC fence as approved by the Chief Building Inspector or the Zoning Board of Appeals reviewing any application in connection with a swimming pool and shall comply with the following specifications:

1. Chain Link fence: Said fence shall extend from the ground to a height of not less than five feet, with top and bottom rail. Posts shall be spaced not more than eight feet on center and set to extend three feet below grade, in an eight-inch diameter concrete footing. Chain link fabric shall be galvanized steel, two-inch mesh No. 9 wire. The fabric shall be fastened to posts and

rails so that the bottom of the mesh is not more than one inch above grade, Fabric shall be fastened securely to posts and rails by means of wire clips not more than 30 inches on center.

2. Lumber fence: Said fence shall extend from the ground to a height or not less than five feet, with two horizontal rails on the pool side. Posts shall be spaced not more than eight feet on center and set to extend four feet below grade. The frame design shall produce a rigid structure. Fabric coverings and/or fence panel shall be securely mounted and fastened to the frame, the bottom of which shall be not more than one inch above the grade. All fence materials shall be the No. 1 grade of the type used or chosen.

B. Every opening in the fence shall be gate equipped with a self-closing and self-latching device designed to keep such gate securely closed at all times. Such gates shall be provided with a lock which can be opened only by a key, to permit entry from outside, or other approved type of locking device, when the pool is not in use. The self-closing, self-latching device and the lock shall be maintained in good working condition at all times. The gates shall be closed and locked at all times when the pool is not in use.

## **SECTION 5. POOL ALARMS**

All swimming pools shall have pool alarms approved, installed and properly functioning, pursuant to the specifications and requirements of Section 1228.2 of the New York State Fire Prevention and Building Code. The Chief Building Inspector shall conduct the inspections.

## **SECTION 6. SETBACKS – YARDS**

No swimming pool, including appurtenances thereto, shall be erected closer than four feet from the rear and side property lines, nor, in the case of a corner or through lot, closer than 25 feet from any property line along an abutting street except where the required front setback is closer than 25 feet but in no case less than 15 feet to any property line abutting a street.

## **SECTION 7. HEIGHTS ABOVE GROUND**

A. No in-ground swimming pool or appurtenances attached or adjacent thereto shall exceed in height of 30 inches above grade.

B. No aboveground pool or appurtenances attached or adjacent thereto shall exceed a height of 48 inches above grade, except when there is an access ladder or fenced access platform not in excess of 48 square feet and situated on that side of the pool closest to the owner's residence. Any deck attached or adjacent thereto shall not exceed 30 inches above the surrounding grade.

C. All decks attached or adjacent to a pool which exceed 18 inches above grade shall be equipped with a surrounding security rail 36 inches in height.

## **SECTION 8. LOCATION**

All swimming pools shall be installed in the rear yard of premises, unless otherwise approved by the Zoning Board of Appeals.

## **SECTION 9. YARD COVERAGE**

Any accessory structures attached or adjacent thereto may not occupy more than 35% of the yard area, exclusive of any other accessory buildings or structures within such yard.

## **SECTION 10. WATER SUPPLY, DRAINAGE SYSTEM FILTRATION**

A. Where water for a swimming pool is supplied from a private well, there shall be no cross-connection with the public water supply system.

B. Where water for a swimming pool is supplied from a public water system, the inlet shall be above the overflow level of the swimming pool. A reduced pressure zoning device shall be furnished and maintained in accordance with the requirements of the New York State Health Code.

C. The overflow and drainage systems of all swimming pools shall be adequate to dispose of water without interfering with adjoining properties, public water supply systems, existing drainage facilities or the streets, roads and highways of the village. No connections into the sanitary sewerage system will be permitted.

D. Every swimming pool shall be provided with an adequate filtration system which will provide compliance with the requirements of the New York State Sanitary Code relating to public swimming pool.

## **SECTION 11. MAINTENANCE AND OPERATION**

All swimming pools shall be chemically treated and maintained in a manner sufficient to maintain the bacterial standards established by the provisions of the New York State Sanitary Code relating to public swimming pools and all rules and regulations now or hereinafter enacted by the village, Nassau County Department of Health or the Health Department of the State of New York.

## **SECTION 12. LIGHTS AND OTHER ELECTRICAL FACILITIES**

A. All Lighting for any swimming pool shall be shielded and directed toward the interior of the property so as to avoid any direct illumination beyond the property lines.

B. Lights and other electrical facilities within the proximity of the swimming pool shall be of proper type and grounded in accordance with the requirements of the National Board of Fire Underwriters and the New York State Building Code.

C. No swimming pool shall be placed within 20 feet of any above ground electric power lines, cables, wires or poles to which such lines, cables, wires or poles are attached.

D. All metal enclosures, fences or railings near or adjacent to an outdoor swimming pool, which might become electrically alive as a result of contact with a broken overhead conductor or from any other causes, shall be effectively grounded.

E. Lights shall be erected so that the sources of illumination shall not be visible from any point beyond the property lines of the premises upon which the pool is installed.

### **SECTION 13. NOISE AND LOUDSPEAKERS**

Noise levels shall be kept to a reasonable limitation so as to avoid creating a disturbance to the adjoining properties. No loudspeaker device which can be heard beyond the property lines of the premises on which any swimming pool has been installed may be operated regarding such pool if the noise level creates a nuisance to adjoining properties.

### **SECTION 14. ABANDONMENT OF IN-GROUND POOLS**

In the event that an owner shall abandon an in-ground pool, he shall forthwith fill all voids and depressions with clean fill and restore the premises to the same grade and condition as before the swimming pool was constructed and shall notify the Chief Building Inspector when said restoration has been completed.

### **SECTION 15. SAFETY LADDER FOR ABOVEGROUND POOLS**

All aboveground pools shall have a safety ladder to be used as a means of ingress and egress. All ladders shall be in a safety position when the pool is not in use.

### **SECTION 16. COVERS FOR ABOVEGROUND POOLS**

All aboveground pools shall have a pool cover sufficient to support a weight of not less than 100 pounds and be applied when the pool is not in seasonal use and is not rained.

### **SECTION 17. WADING POOLS**

A. To this chapter, all movable or demountable pools less than 18 inches high shall be termed "wading pools".

B. Wading pools are exempted from fence requirements when a cover which will support a weight of not less than 100 pounds is securely applied when the filled pool is not in use. No cover is required if there is compliance with the fence requirements of this chapter.

C. Wading pools do not require permits, but must be located within the rear and comply with setback, maintenance, lighting, and water supply requirements specified herein.

D. All water emptied from such pool shall be disposed of within the owner's property and shall not take place between the hours of 9:00 p.m. and 7:00 a.m.

#### **SECTION 18. PERMIT REQUIRED**

A. No in-ground or aboveground pool shall be installed unless a permit is issued by Chief Building Inspector. Every application for a swimming pool permit shall be accompanied by a dimensional site plan and survey drawn to scale showing location of pool, details of yard, including accessory buildings and structures, trees, and fences. The survey shall show the foregoing details existing in any yard within 10 feet beyond the Lot Lines of the subject property, if the pool or appurtenances, is located closer than 10 feet to any lot line. Such plan or survey shall also show water supply, overflow, filtration and drainage systems and all other above-ground appurtenances.

B. All plans for in-ground pools shall be duly certified by a professional engineer or architect licensed by the State of New York and shall include certification that drainage is adequate and will not interfere with the public water supply system, with existing sanitary facilities or with public water supply streets and highways and shall be designed to sustain uplift pressure when empty. After installation, a final survey shall be required for all in-ground pools.

#### **SECTION 19. SEVERABILITY**

If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court's order or judgement shall not effect, impair, or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgement or order shall be rendered.

#### **SECTION 20. EFFECTIVE DATE**

This local law shall take effect immediately upon filing with the Secretary of State.