

TOWNSHIP OF BORDENTOWN

ORDINANCE NO. 2017-18

An Ordinance of the Township of Bordentown Amending Chapter 25, the Land Development Code of the Township of Bordentown, to modify the standards for fences, swimming pools, and residential garages and sheds.

WHEREAS, Chapter 25 is the Land Development Code of the Township of Bordentown, and such Code provides standards for land development design and installation, and;

WHEREAS, the Township Committee has determined that the standards for fences, pools and sheds are to be amended in order to provide for more appropriate and reasonable use of land, and to protect the public health, safety and welfare.

NOW THEREFORE BE IT ORDAINED by the Township Committee of the Township of Bordentown that:

1. Section 25:202 of the Land Development Code, entitled, "Specific Definitions" is hereby amended to add the following definitions:

Above-Ground Swimming Pool: Any man-made swimming pool, which contains water at a depth of more than twenty four-inches (24") at its deepest point, is used for the purpose of recreational bathing, and which meets all of the following conditions:

1. It is constructed on top of existing ground, with no part below existing grades except for the purpose of leveling the bottom by no more than twenty four-inches (24") of cut or fill; and
2. It does not involve regrading or redistribution of soil in connection with its erection or construction, with the exception of minor leveling indicated in condition number 1. above; and
3. Access to the pool water surface is elevated around the entire perimeter and the pool requires entry to be gained by ascent of a ladder or similar means.

In-ground Swimming Pool: Any man-made swimming pool, which contains water at a depth of more than twenty four-inches (24") at its deepest point, is used for the purpose of recreational bathing, and does not meet the definition of an Above-Ground Swimming Pool.

Residential Shed: A one-story, detached accessory structure used as a tool or storage shed, playhouse, and similar uses, and complies with all of the following conditions:

1. The structure shall not be used for any sort of habitable space,
2. Building height does not exceed fourteen-feet (14'), and may not be two-stories,
3. The structure shall be light-frame construction, with vertical and horizontal structural elements that are typically formed by a system of wood or light gauge steel framing members; enclosed to the weather.
4. It shall not exceed two hundred-square feet (200 s.f.) in area.
5. It cannot house an automobile or similar vehicle.

Residential Detached Garage: A one-story, detached accessory structure large enough for the storage of automobiles or similar vehicles, which complies with all of the following conditions:

1. The structure shall not be used for any sort of habitable space,
2. Building height does not exceed eighteen-feet (18'), and may not be two-stories,
3. The size shall not exceed 8% of the lot area or one thousand-square feet (1,000 s.f.), whichever is less.
4. Must have access to the street via a driveway.
5. Must have at least one garage door of a size large enough to accommodate an automobile.
6. Shall be for use only by the property owner or tenant in the residence.
7. The structure shall be of light-frame construction or masonry, and enclosed to the weather on all sides.

2. Section 25:501.G, entitled, "Size of Sheds" is hereby amended to read:

Sheds shall not exceed two hundred-square feet (200 s.f.) in area. No more than two sheds may be constructed on a property; however, if two are constructed, the total area of the two sheds shall not exceed two hundred-square feet (200 s.f.).

3. Section 25:503.E.2., under, "Requirements for fences and walls" is hereby amended to read:

On any lot in any district no fence shall be erected or altered so that the fence shall be over four-feet (4') in height in the front yard, and six-feet (6') in height in rear and side yards, except as provided herein. Any fence in a front yard shall be of open-type (not solid or opaque) construction such that at least fifty-percent of the area of the fence allows light and air to pass through. Examples of 'open-type' fences are chain-link, wrought iron, or picket. On corner lots, a fence of up to six-feet (6') in height may be erected in one (1) front yard, but no closer to the front property line than the more restrictive of the following:

1. Fifteen-feet (15') from the front property line, or
2. One-half the distance between the front property line and the building setback line.

The front yard fence on a corner lot may be solid or opaque.

Fences of variable height: When a fence is built with decorative scalloped panels or pickets or other decorative features along the upper edge of the fence or posts, height shall be measured to the lowest point of such edge, thus allowing posts or corresponding elements to exceed the height limitation, but in no event by more than twelve-inches (12").

4. If any section, paragraph, subsection, clause, or provision of this Ordinance shall be declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of this Ordinance as a whole or any part thereof.

5. All ordinances or parts of ordinances of the Township of Bordentown heretofore adopted that are inconsistent with any of the terms and provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

6. This ordinance shall take effect immediately upon adoption and publication of notice of adoption as provided by law.

TOWNSHIP OF BORDENTOWN

AN ORDINANCE OF THE TOWNSHIP OF BORDENTOWN
REGULATING SWIMMING POOLS IN THE TOWNSHIP OF BORDENTOWN

ORDINANCE NO. 2002- 18

WHEREAS, the Township Committee of the Township of Bordentown believes that the regulation of swimming pools is in the public interest; and

WHEREAS, the current regulations of swimming pools are inadequate to address the current needs of the Township of Bordentown.

NOW, THEREFORE, BE IT ORDAINED that the Township Committee of the Township of Bordentown, County of Burlington, State of New Jersey, hereby promulgates the following regulations with respect to swimming pools, which are part of Chapter 25:516:

- (a) No private residential swimming pool shall be constructed or installed on any lot unless the lot contains a residence building. Pools, which include caps and aprons, shall be located in rear yards only and shall occupy no more than seventy-five percent (75%) of the rear-yard area. A minimum ten-feet (10') setback from water's edge to each property line shall be required for in-ground pools. A minimum four-feet (4') wide landscape buffer in the form of grass, shrubs, or trees shall be provided between the pool structure and the side-and rear-lot lines. Filters and other mechanical equipment associated with the operation of the pool are not permitted within the ten-feet (10') setback. Aboveground pools are required to have a minimum ten-feet (10') setback between all property lines and the water's edge or the closest portion of the deck constructed to serve the pool, whichever is closest to the property lines. Filters and other mechanical equipment associated with the operation of the pool are not permitted within the ten-feet (10') setback. A minimum distance from the nearest portion of the principal building to the closest portion of the swimming-pool structure should not be less than five-feet (5') to an open deck that is attached to the principal building. Decks may be built up to the water's edge of the pool, unless the deck is connected to the principal building.
- (b) All-swimming pools areas must be secured with fencing having a self-latching gate at least four-feet (4') high but no more than six-feet (6') high, pursuant to any amendments of the State relevant codes.
- (c) All Swimming pools shall meet the appropriate design standards as set forth by the National Swimming Pool Institute.

- (d) In-ground swimming pools shall require a grading plan showing existing and proposed grades and the proposed flow of surface drainage to ensure no adverse impact on adjoining properties. The plan is to be presented with the application. This plan must also show the location of the proposed pool and any appurtenances and must be signed and sealed by a licensed New Jersey professional engineer.
- (e) Aboveground pools shall require a plot plan of the site showing the location of the proposed pool and any appurtenances. This plan is not required to show grades.
- (f) Pools that are less than 24 inches deep or having a surface area less than 250 square feet, except when such pools are permanently equipped with a water recirculating system or involve structural materials, shall not require a construction permit.
- (g) Filters and other mechanical devices associated with the pool shall be located on the site, designed and buffered in such a way as not to cause undue negative impacts on adjoining properties.
- (h) No commercial swimming pool shall be installed unless approved by the Board as part of a site plan approval. Commercial swimming pools shall be classified into types in accordance with their particular use and shall meet the appropriate design standards as set forth by the National Swimming Pool Institute or the current edition of the Swimming Pool Code of New Jersey, whichever is more stringent.

Mark Roselli, Mayor

Colleen Cochran, Township Clerk

APPENDIX G

SWIMMING POOLS, SPAS AND HOT TUBS

SECTION AG101 GENERAL

AG101.1 General. The provisions of this appendix shall control the design and construction of swimming pools, spas and hot tubs installed in or on the *lot* of a one- or two-family dwelling.

AG101.2 Pools in flood hazard areas. Pools that are located in flood hazard areas established by Table R301.2(1), including above-ground pools, on-ground pools and in-ground pools that involve placement of fill, shall comply with Sections AG101.2.1 or AG101.2.2.

Exception: Pools located in riverine flood hazard areas which are outside of designated floodways.

AG101.2.1 Pools located in designated floodways. Where pools are located in designated floodways, documentation shall be submitted to the *building official*, which demonstrates that the construction of the pool will not increase the design flood elevation at any point within the *jurisdiction*.

AG101.2.2 Pools located where floodways have not been designated. Where pools are located where design flood elevations are specified but floodways have not been designated, the applicant shall provide a floodway analysis that demonstrates that the proposed pool will not increase the design flood elevation more than 1 foot (305 mm) at any point within the *jurisdiction*.

SECTION AG102 DEFINITIONS

AG102.1 General. For the purposes of these requirements, the terms used shall be defined as follows and as set forth in Chapter 2.

ABOVE-GROUND/ON-GROUND POOL. See "Swimming pool."

BARRIER. A fence, wall, building wall or combination thereof which completely surrounds the swimming pool and obstructs access to the swimming pool.

HOT TUB. See "Swimming pool."

IN-GROUND POOL. See "Swimming pool."

RESIDENTIAL. That which is situated on the premises of a detached one- or two-family dwelling or a one-family *townhouse* not more than three stories in height.

SPA, NONPORTABLE. See "Swimming pool."

SPA, PORTABLE. A nonpermanent structure intended for recreational bathing, in which all controls, water-heating and water-circulating *equipment* are an integral part of the product.

SWIMMING POOL. Any structure intended for swimming or recreational bathing that contains water over 24 inches (610 mm) deep. This includes in-ground, above-ground and on-ground swimming pools, hot tubs and spas.

SWIMMING POOL, INDOOR. A swimming pool which is totally contained within a structure and surrounded on all four sides by the walls of the enclosing structure.

SWIMMING POOL, OUTDOOR. Any swimming pool which is not an indoor pool.

SECTION AG103 SWIMMING POOLS

AG103.1 In-ground pools. In-ground pools shall be designed and constructed in conformance with ANSI/NSPI-5 as listed in Section AG108.

AG103.2 Above-ground and on-ground pools. Above-ground and on-ground pools shall be designed and constructed in conformance with ANSI/NSPI-4 as listed in Section AG108.

AG103.3 Pools in flood hazard areas. In flood hazard areas established by Table R301.2(1), pools in coastal high hazard areas shall be designed and constructed in conformance with ASCE 24.

SECTION AG104 SPAS AND HOT TUBS

AG104.1 Permanently installed spas and hot tubs. Permanently installed spas and hot tubs shall be designed and constructed in conformance with ANSI/NSPI-3 as listed in Section AG108.

AG104.2 Portable spas and hot tubs. Portable spas and hot tubs shall be designed and constructed in conformance with ANSI/NSPI-6 as listed in Section AG108.

SECTION AG105 BARRIER REQUIREMENTS

AG105.1 Application. The provisions of this chapter shall control the design of barriers for residential swimming pools, spas and hot tubs. These design controls are intended to provide protection against potential drownings and near-drownings by restricting access to swimming pools, spas and hot tubs subject to this code.

AG105.2 Outdoor swimming pool. An outdoor swimming pool, including an in-ground, above-ground or on-ground pool, hot tub or spa shall be surrounded by a barrier which shall comply with the following:

1. The top of the barrier shall be at least 48 inches (1219 mm) above *grade* measured on the side of the barrier which faces away from the swimming pool. The maximum vertical clearance between grade and the bottom of the barrier shall be 2 inches (51 mm) measured on the side of the barrier which faces away from the swimming pool. Where the top of the pool structure is above grade, such as an above-ground pool, the barrier may be at

- ground level, such as the pool structure, or mounted on top of the pool structure. Where the barrier is mounted on top of the pool structure, the maximum vertical clearance between the top of the pool structure and the bottom of the barrier shall be 4 inches (102 mm).
2. Openings in the barrier shall not allow passage of a 4-inch-diameter (102 mm) sphere.
 3. Solid barriers which do not have openings, such as a masonry or stone wall, shall not contain indentations or protrusions except for normal construction tolerances and tooled masonry joints.
 4. Where the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members is less than 45 inches (1143 mm), the horizontal members shall be located on the swimming pool side of the fence. Spacing between vertical members shall not exceed $1\frac{3}{4}$ inches (44 mm) in width. Where there are decorative cutouts within vertical members, spacing within the cutouts shall not exceed $1\frac{3}{4}$ inches (44 mm) in width.
 5. Where the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members is 45 inches (1143 mm) or more, spacing between vertical members shall not exceed 4 inches (102 mm). Where there are decorative cutouts within vertical members, spacing within the cutouts shall not exceed $1\frac{3}{4}$ inches (44 mm) in width.
 6. Maximum mesh size for chain link fences shall be a $2\frac{1}{4}$ -inch (57 mm) square unless the fence has slats fastened at the top or the bottom which reduce the openings to not more than $1\frac{3}{4}$ inches (44 mm).
 7. Where the barrier is composed of diagonal members, such as a lattice fence, the maximum opening formed by the diagonal members shall not be more than $1\frac{3}{4}$ inches (44 mm).
 8. Access gates shall comply with the requirements of Section AG105.2, Items 1 through 7, and shall be equipped to accommodate a locking device. Pedestrian access gates shall open outward away from the pool and shall be self-closing and have a self-latching device. Gates other than pedestrian access gates shall have a self-latching device. Where the release mechanism of the self-latching device is located less than 54 inches (1372 mm) from the bottom of the gate, the release mechanism and openings shall comply with the following:
 - 8.1. The release mechanism shall be located on the pool side of the gate at least 3 inches (76 mm) below the top of the gate; and
 - 8.2. The gate and barrier shall have no opening larger than $\frac{1}{2}$ inch (12.7 mm) within 18 inches (457 mm) of the release mechanism.
 9. Deleted. ||
 10. Where an above-ground pool structure is used as a barrier or where the barrier is mounted on top of the pool structure, and the means of access is a ladder or steps:
 - 10.1. Deleted. ||
 - 10.2. The ladder or steps shall be surrounded by a barrier which meets the requirements of Section AG105.2, Items 1 through 9.
- AG105.3 Indoor swimming pool.** Walls surrounding an indoor swimming pool shall comply with Section AG105.2, Items 1 through 7. ||
- AG105.4 Prohibited locations.** Barriers shall be located to prohibit permanent structures, *equipment* or similar objects from being used to climb them.
- AG105.5 Barrier exceptions.** Spas or hot tubs with a safety cover which complies with ASTM F 1346, as listed in Section AG107, shall be exempt from the provisions of this appendix.

SECTION AG106 ENTRAPMENT PROTECTION FOR SWIMMING POOL AND SPA SUCTION OUTLETS

AG106.1 General. Suction outlets shall be designed and installed in accordance with ANSI/APSP-7. ←

SECTION AG107 ABBREVIATIONS

AG107.1 General.

ANSI—American National Standards Institute
11 West 42nd Street
New York, NY 10036

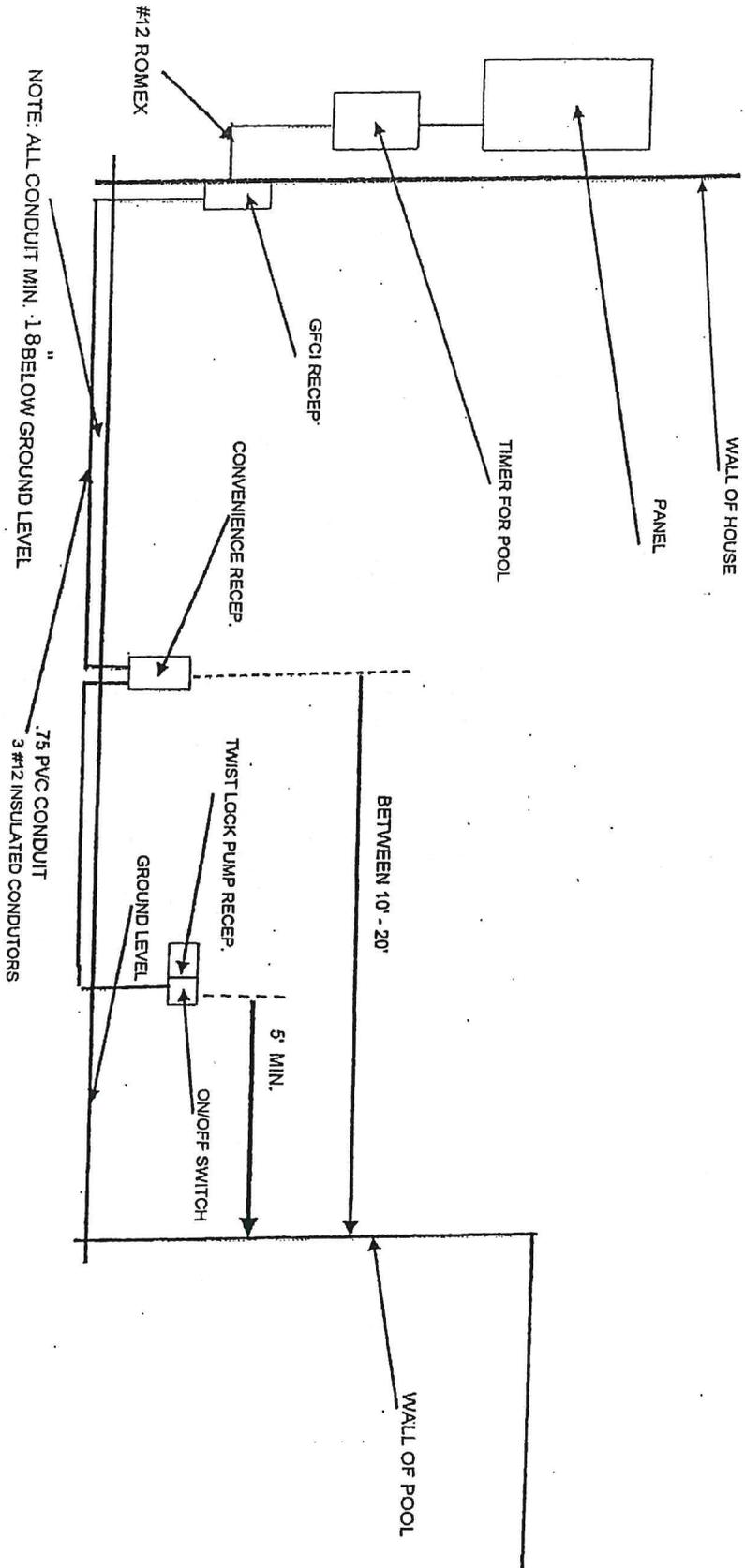
APSP—Association of Pool and Spa Professionals
NSPI—National Spa and Pool Institute
2111 Eisenhower Avenue
Alexandria, VA 22314

ASCE—American Society of Civil Engineers
1801 Alexander Bell Drive
Reston, VA 98411-0700

ASTM—ASTM International
100 Barr Harbor Drive,
West Conshohocken, PA 19428

UL—Underwriters Laboratories, Inc.
333 Pfingsten Road
Northbrook, IL 60062-2096

SAMPLE WIRING DIAGRAM FOR ABOVE-GROUND POOL



Enclosure For Above Ground, Outdoor, Private Swimming Pool
 * Requires Fourth Side Fence Enclosure Under The Deck To Secure Open Under Of Ladder
 * Not Illustrated

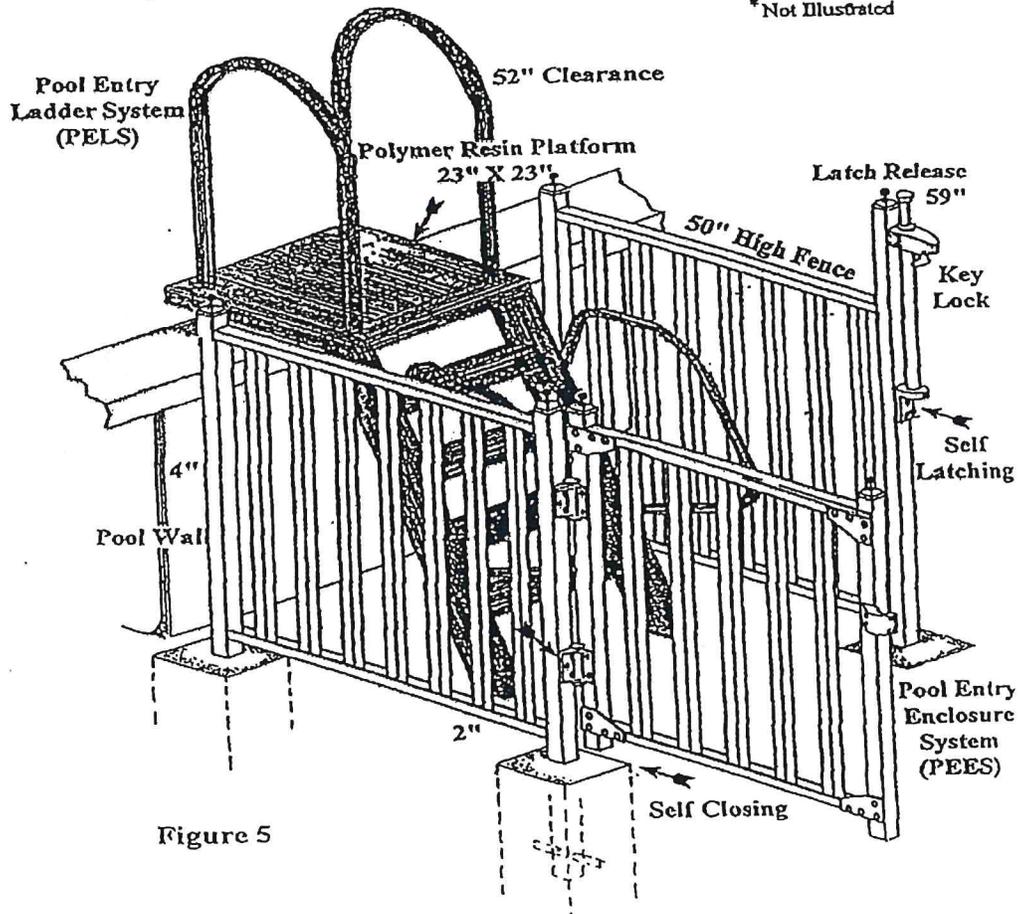


Figure 5

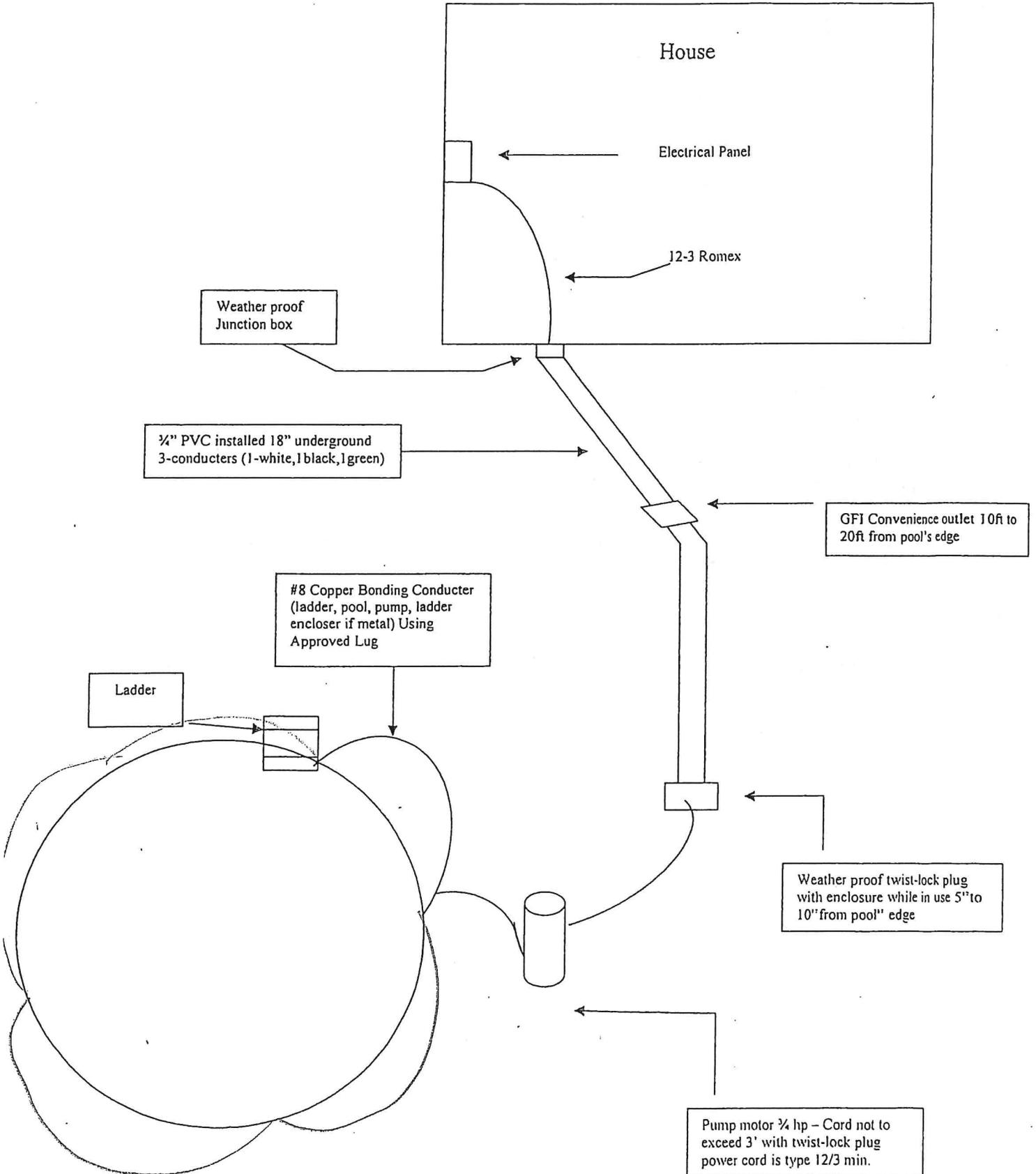
Model Barrier Code Enclosure

Electrical Requirements for Swimming Pools

All Electrical Wiring Shall comply with the 2002 NEC article 680, below are some helpful hints
 All plans shall be signed by the applicant, must list the project address and township, block and lot, date prepared. Any of the items checked below are missing from the plans, the information which is missing must be added to the plans and resubmitted before a permit can be issued.

- 1. All wire, including the cord shall be 12 AWG minimum.
- 2. 12/2 with ground is acceptable inside the house only! Type UF, NM (romex) or MC.

POOL SKETCH SAMPLE



- 3. All conductors shall be buried in ridged non-metallic electrical conduit (do not use water pipe), wired with single insulated conductors, buried a minimum of 18 inches below grade.
- 4. The ground wire in the conduit shall be insulated.
- 5. A GFCI protected 120 volt convenience receptacle located outdoors is required to be located not less than 10 feet nor more than 20 feet from the inside wall of the pool. This receptacle may be existing, the wiring need not be in conduit, and it cannot be on the same circuit as the pool if the pool pump is rated over 50 % of the circuit ampacity. It must be GFCI protected and not more than 20 feet from the pool.
- 6. If you wish to have the receptacle for the pool pump located less than 10 feet from the pool, it must meet the following requirements:
 - a. It cannot be less than 5 feet from the pool.
 - b. It must be 20 amp. rated twist lock single receptacle.
 - c. The cover shall be capable of being closed with the plug inserted.
 - d. The circuit shall be GFCI protected.
- 7. The cord on the pool pump must be 12 AWG and not longer than 3 feet .
- 8. Free standing receptacles, switches etc... shall be supported by something other than the conduit. (for example: if backed by a pressure treated 4" X 4" would provide the required support)
- 9. The bonding wire shall be # 8 AWG solid; insulated or bare minimum, lugs shall be copper, brass or stainless.
- 10. The following shall be bonded together: the pool structure, pump motor, metal ladder, metal fence and any other metal objects within 5 feet of the pool.
- 11. A ground rod is not required at the pool.

A copy of the 2008 National Electrical Code is available in our office for review, or you can visit www.NFPAcatalog.org to order a copy.

Below you will find a sample wiring diagram