

Chapter 113

SWIMMING POOLS

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[HISTORY: Adopted by the Town Board of the Town of Shelter Island 11-1-2002 by L.L. No. 14-2002. Amendments noted where applicable.]

GENERAL REFERENCES

Excavations — See Ch. 62.
Zoning — See Ch. 133.

§ 113-1. Title.

This chapter shall be known as the "Town of Shelter Island Swimming Pool Regulations Local Law."

§ 113-2. Purpose.

The Town Board of the Town of Shelter Island finds that the regulation of swimming pools is in the best interest of the public in order to:

- (i) Protect the fresh water resource from depletion, salt-water intrusion and the introduction of toxic chemicals into the water table;
- (ii) Minimize damage to septic systems from the destruction of helpful bacteria and the creation of chemical compounds in the soil; and
- (iii) Protect the local marine environment from destruction by pool chemicals.

§ 113-3. Statutory authority.

This chapter is adopted as a local law pursuant to the authority of the Municipal Home Rule Law.

§ 113-4. Definitions.

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

BUILDING INSPECTOR — The duly appointed Building Inspector of the Town of Shelter Island.

EFFLUENT — Waste water from a swimming pool.

FILL — The first filling of a swimming pool with water after construction or after all water has been removed due to major repair or reconstruction.

FILTER — A mechanism that removes particles of dirt and organic debris from the circulation system of a swimming pool.

MARINE WATERS — Salt waters of bays, estuaries, creeks and wetlands.

OWNER — Any person, firm, partnership, corporation or organization of any kind holding legal title to real property in the Town of Shelter Island.

REFILL — The refilling of a swimming pool after drainage of two feet or more of water as measured from the location of the bottom of the skimmer.

SKIMMER — The overflow at the operating water level of a swimming pool used to recycle and return water to the filter system for cleaning.

SURFACE WATERS — The surface and body of water which include streams, ponds, bays, estuaries, creeks and wetlands.

SWIMMING POOL — An enclosed container of water more than 10 feet in length with a depth of 24 or more inches constructed for swimming or therapeutic purposes. A swimming pool may be aboveground, in-ground or within a building.

§ 113-5. Permits.

- A. No swimming pool shall be installed or reconstructed, nor a fresh water swimming pool filled or refilled without a permit issued by the Building Inspector.
- B. Any application to install or reconstruct (any expenditure for repair, maintenance or renovation in excess of \$5,000 a swimming pool shall be submitted to the Building Inspector by the owner and shall include the following information:
 - (1) The name of the owner of the real property.
 - (2) A land survey certified by a licensed engineer of the subject property, at a scale of not less than 40 feet to the inch showing the location and dimensions of the proposed swimming pool, including decking, associated equipment and safety fencing.
 - (3) The same certified land survey showing the location and actual distances of all buildings, wells, and

septic systems from the proposed swimming pool, and the location and actual distances of wells and septic systems, dry wells on adjoining properties, from the proposed swimming pool and related dry wells.

- (4) The proposed layout of the water management system including dry wells, filter type, pumps, heating equipment, source of water supply and, if connected to a public water system, the location of backflow prevention devices.
- (5) All pool related equipment (i.e., pumps, filters, heating equipment) must meet the setback requirements of Chapter 133 of the Code of the Town of Shelter Island.
- (6) A plan for the permanent installation of equipment for water management including:
 - (a) A filter system. The installation of a new sand filter is prohibited. Existing sand filters must be replaced with a more efficient and less water consuming filter by May 1, 2005.
 - (b) One or more dry wells, as determined by the Building Inspector, of not less than eight feet by eight feet or equivalent dimensions on shallower linked dry wells for discharge of effluent from freshwater swimming pools, and must be installed no less that two feet above water table levels.
 - (c) Effluent dry wells must be vented or covered with a grate and sited at least (00 feet from any wells supplying potable water and all surface waters, including freshwater and tidal wetlands, and at least 20 feet from any septic system, including such facilities on neighboring properties. **[Amended 3-11-2005 by L.L. No. 1-2005)**

- (7) A proposed installation or reconstruction plan for the swimming pool providing for minimum site disturbance and control of runoff and sediments through the use of straw bales, berms, silt traps or other measures required by the Building Inspector.
 - (8) Any permits required by other agencies.
 - (9) Application fee as established from time to time by resolution of the Town Board.
 - (10) Any other information that may be required by the Building Inspector.
- C. Applications to fill or refill a swimming pool shall identify the supplier of the pool water. Applicants shall provide the Building Inspector with a copy of the water receipt prior to issuance of a certificate of occupancy. Failure to do so shall be a violation of this Code.
- D. Installation of fencing.
- (1) Permanent fencing. A permanent fence must be installed within 90 days from start of excavation.
 - (2) Temporary fencing. A temporary fence must be installed around the excavation site at the time construction commences and shall remain in place until replaced by a permanent fence.
 - (3) Gates across the driveway may not be included as part of the pool fencing required by state code, unless the gate is self-latching. **[Added 4-17-2009 by L.L. No. 4-2009; amended 8-21-2009 by L.L. No. 14-2009]**

§ 113-6. Regulations.

- A. Effluent may not be discharged directly to marine or fresh surface waters, tidal or fresh wetlands, the face of a bluff, or onto adjacent property or road surface.

- B. Acids used for maintenance must be neutralized before disposal.
- C. A swimming pool may not be drained directly into a sewer or septic system.
- D. A swimming pool may not be drained any more than two feet below the skimmer unless drainage is required for repair or reconstruction.
- E. Fresh water pools must be filled and refilled from an off-island water supply.
- F. Permanent fencing surrounding the pool must be installed in accordance with state and Town requirements within 90 days of start of excavation.
 - (1) Fence enclosures must be in accordance with New York State Building and Fire Code Section AG105.
- G. Abandoned swimming pools are prohibited and must immediately be removed and the resulting pit filled with clean upland sand, including not less than six inches of topsoil for revegetation of the site.
- H. Personnel servicing swimming pools must be certified at a minimum level of Tech 1 by the National Spa and Pool Institute.
- I. In order to protect against drowning, a pool must meet either of the following criteria: **[Amended 8-21-2009 by L.L. No. 14-2009]**
 - (1) The pool is equipped with a powered safety cover in compliance with ASTM F1346; or
 - (2) All doors with direct access to the pool shall be equipped with an alarm.

§ 113-7. Powers of the Town Board.

- A. In the event that the Town Board certifies the existence of an emergency situation threatening the availability or quality of the fresh water supply within the Town, the Town Board may immediately enact whatever legislation it deems necessary to preserve and protect the health, safety and welfare of the Town, pursuant to § 20-4 of the Municipal Home Rule Law.
- B. The Town Board reserves the right to enact additional rules and regulations with respect to swimming pools. Any permit hereafter issued shall be issued subject to the holder thereof conforming to the rules and regulations now in force and effect or that thereafter may be adopted by resolution of the Town Board.

§ 113-8. Enforcement.

The Building Inspector shall administer and the Building Inspector and Police Department shall enforce the provisions of this chapter.

§ 113-9. Penalties for Offenses. [Amended 4-18-2008 by L.L. No. 3-2008]

Any offense against any provision of this chapter shall be punishable by a fine not less than \$500 and not more than \$2,000 and/or five days in jail and the revocation of any permit issued hereunder.

§ 113-10. Severability.

In the event that any portion of this chapter is found by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remaining portions of this chapter.

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