

Chapter 219

SWIMMING POOLS

GENERAL REFERENCES

Building construction and fire prevention — See Ch. 81.	Hedges and fences — See Ch. 144.
Drainage — See Ch. 107.	Parks and recreation areas — See Ch. 173.
Electrical standards — See Ch. 112.	Plumbing — See Ch. 181.
Female exposure — See Ch. 121.	Property maintenance — See Ch. 185.
	Streets and sidewalks — See Ch. 212.

§ 219-1. Legislative intent.

It is hereby declared and found that the public interest requires the regulation of the use and maintenance of all swimming pools. By this enactment, the Incorporated Village of Lynbrook seeks to remove the danger of injury or drowning arising from the use of unprotected swimming pools.

§ 219-2. Permitted swimming pools.

Swimming pools may be installed in the Incorporated Village of Lynbrook only as accessory to a dwelling for the private use of the owners or occupants of such dwelling and their families and guests or as accessory to a nursery school or day camp for children and only on the conditions provided in this chapter.

§ 219-3. Definition of swimming pool. [Amended 3-2-1998 by L.L. No. 13-1998]

A "swimming pool" shall, for the purposes of this chapter, be construed to mean any body of water greater than 22 inches in depth, installed or maintained in or above the ground outside of any building, and used or intended to be used solely by the user, tenant or lessee of the premises upon which the pool is situated and by family or guests invited to use it without the payment of any fee.

§ 219-4. Approval required; criteria.

No swimming pool shall be installed or maintained unless:

- A. Plans have been filed with and approved by the Building Department of the Incorporated Village of Lynbrook and a building permit has been issued therefor.

- B. The drainage of such pool is adequate and will not interfere with the public water supply system, the existing sanitary facilities or the public highways.
- C. Such pool is installed in the rear yard of the premises.
- D. Such pool shall not be erected closer than four feet from the rear and side property lines of the premises, closer than eight feet from any dwelling, closer than six feet from any accessory building or, in the case of a corner lot, closer than 10 feet from any property line along an abutting street.
- E. Such pool does not occupy more than 40% of the rear yard area, excluding all garages or other accessory structures.

§ 219-5. Water supply and purification.

- A. If the water for such pool is supplied from a private well, there shall be no cross-connection with the public water supply system.
- B. If the water for such pool is supplied from the public water supply system, the inlet shall have a check valve and be higher than the overflow level of the pool. A plumbing permit shall be required for all connections to public water systems.
- C. Such pool shall be chemically treated 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.

§ 219-6. Fencing requirements. [Amended 9-11-1989 by L.L. No. 3-1989; 3-2-1998 by L.L. No. 13-1998]

- A. Outdoor swimming pools shall be provided with an enclosure which shall comply with the following:
 - (1) It shall be at least four feet in height and have a maximum vertical clearance to grade of two inches.
 - (2) Where a picket-type fence is provided, horizontal openings between pickets shall not exceed four inches.
 - (3) Where a chain-link fence is provided, the opening between links shall not exceed 2 3/8 inches.
 - (4) The enclosure shall be constructed so as not to provide foot holds.
 - (5) Pickets and chain-link twists shall extend above the upper horizontal bar.
 - (6) Such enclosure shall have railings and posts within the enclosure, which shall be capable of resisting a minimum lateral load of 150 pounds applied midway between posts and at top of posts, respectively. Enclosure, fence material or fabric shall be capable of

withstanding a concentrated lateral load of 50 pounds applied anywhere between supports on an area 12 inches square, without failure or permanent deformation. Gates provided in the enclosure shall be self-closing and self-latching with the latch handle located within the enclosure and at least 40 inches above grade.

- (7) A wall of a dwelling is permitted to serve as part of the enclosure.
- B. The exemptions set forth in the New York State Uniform Fire Prevention and Building Code § 720.2 are not applicable to outdoor pools in the village.

§ 219-7. and § 219-8. (Reserved)¹

§ 219-9. Abandonment of pool.

In the event an owner shall abandon a permanent outdoor swimming pool, he shall forthwith fill all voids and depressions and restore the premises to the same grade and conditions as before the swimming pool was constructed and shall accordingly notify the Superintendent of Buildings when said restoration work has been completed.

§ 219-10. Electrical standards.

All electrical systems and appliances installed at or near any pool shall be properly grounded and comply with the applicable provisions of the Electrical Code² of the Village of Lynbrook.

§ 219-11. Notice of requirements or violations.

- A. Issue. All notices of the violation of any of the provisions of this chapter and all notices required or authorized by this chapter directing anything to be done, including notices that any building, structure, premises or any part thereof is deemed to be unsafe or dangerous, shall be issued by the Superintendent of Buildings and shall have his name affixed thereto.
- B. Contents. Each such notice or order, in addition to the statement of requirements, shall contain a description of the building, premises or property affected.
- C. Personal service. All such notices, and any notice or order issued by any court in any proceeding, instituted pursuant to this chapter to restrain or remove any violation or to enforce compliance with any provision or requirement of this chapter may be served by delivering to and leaving a copy of same with any person violating or who may be liable under any provisions of this chapter or who may be designated as provided in Subsection D. They may be served by an officer or employee of the

1. Editor's Note: Former § 219-7, Exceptions to fencing requirements, and § 219-8, Use of loudspeakers and lights restricted, were repealed 3-2-1998 by L.L. No. 13-1998.

2. Editor's Note: See Ch. 112, Electrical Standards.

Department of Buildings or by any person authorized by said Department.

- D. Notice of posting. If the person to whom such order or notice is addressed cannot be found within the village after diligent search shall have been made for him, then such notice or order may be served by posting same in a conspicuous place upon the premises where such violation is alleged to have been placed or to exist or to which such notice or order may refer or which may be deemed unsafe or dangerous and also by depositing a copy thereof in the post office in the village enclosed in a sealed, postpaid wrapper addressed to said person at his last known place of residence, which shall be equivalent to a personal service of said notice or order upon all parties for whom such search shall have been made, whether residents or nonresidents of the State of New York.³

3. Editor's Note: Former §§ 219-12 through 219-16, which immediately followed and which pertained to emergency measures, judicial orders and remedies and penalties for offenses, were repealed 3-2-1998 by L.L. No. 13-1998.