

BOROUGH OF WEST CAPE MAY
COUNTY OF CAPE MAY
STATE OF NEW JERSEY

ORDINANCE NO. 621-23

AN ORDINANCE AMENDING CHAPTER 27 OF
THE WEST CAPE MAY BOROUGH CODE REGARDING SWIMMING POOLS

WHEREAS, Section 27-6 of the Borough of West Cape May Code defines "Swimming Pool" as any facility which is constructed, used or maintained to provide facilities for swimming or bathing and which is capable of containing water to a depth of eighteen (18") inches or more; and

WHEREAS, Section 27-27.6 of the Borough of West Cape May Code establishes that a private residential swimming pool area must be surrounded by a fence at least four (4') feet, but no more than six (6') feet in height. Swimming pools are also to be located in side and rear yards only; and

WHEREAS, the Board of Commissioners of the Borough of West Cape May has determined it is in the best interests of the public health, safety and general welfare to amend Section 27 to outline the requirements, construction, installation, or alteration of any private swimming pool;

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the Borough of West Cape May as follows:

Section 1. Section 27-27.6 of the Borough Code shall be amended as follows (strikethroughs indicating deletions and bold and underlined portions indicating additions):

27-27.6 FENCES, WALLS AND SIGHT TRIANGLES

Any fence construction or installation, including replacement, requires a zoning permit. Nonconforming fences must conform at time of replacement.

a. All permitted fences shall be situated on a lot in such a manner that the finished side of the fence shall face adjacent properties. All poles, posts, etc., shall be erected on the inside of the fence at least six inches from the property line. It being the intent of this section that all fencing materials be installed within the property lines

of the property making the application. No electrified or barbed wire fences shall be allowed except for farms when necessary to contain livestock.

b. On any lot in any district, no wall or fence shall be erected or altered so that the wall or fence shall be over four feet in height in front and side yards and six feet in any rear yard with the following provisions and exceptions:

1. A dog run may have fencing, a maximum of six (6') feet in height, provided such area is located in rear yards only and is set back from any lot line the distance required for accessory buildings in the zoning district as stipulated.
2. A private residential swimming pool area must be surrounded by a fence at least four (4') feet, but no more than six (6') feet in height. Swimming pool areas shall be located ~~in side and~~ rear yards only.
3. A tennis court area, located in rear yards only, may be surrounded by a fence a maximum of fifteen (15') feet in height; the fence to be set back from any lot line the distance required for accessory buildings in the zoning district as stipulated.
4. Schools, playgrounds and parks in any district and commercial and industrial uses may erect security fences to control ingress and egress to all or part of the lot. The fence shall be no more than ten (10') feet in height and constructed with a ratio of the open portion to the solid portion being not less than six to one (6:1).

c. Chain link fence is permitted in side and rear yards only.

d. Sight triangle areas shall be required at intersections and driveways entering public streets, in addition to the specified right-of-way widths, in which no grading, planting, or structure shall be erected or maintained more than thirty (30") inches above the street center line, except for utility poles, street signs, fire hydrants and light standards. The sight triangle is defined as that area outside of the curb line and the straight line connecting "sight points," one located on each curb line or driveway center line at a distance of twenty-five (25') feet or one (1') foot for each mile of allowed street speed limit, whichever is greater, or fifteen (15') feet along the center line of a driveway.

e. A property owner may construct an arbor along a permitted fence line subject to the following requirements:

1. No arbor will be permitted within a required sight triangle.
2. Arbors shall not exceed a maximum height of 12 feet, a maximum width of eight feet, minimum clearances of eight feet in height and three feet in width (to provide clear passage through the arbor), and a maximum 18 inches in depth (front to rear).

3. All arbors shall be properly constructed according to applicable construction codes.
4. An arbor shall not be considered to be a fence for purposes of this section. An "arbor" is defined as an open work structure constructed of wood, metal or plastic and used to support vines, flowers or shrubs.

27-38 SWIMMING POOLS

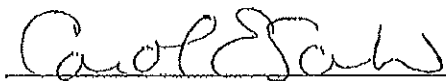
- a. Swimming pools shall be designed and constructed in accordance with the latest edition of International Building Code, Section 3109.
- b. All drawings and plans for the construction, installation, enlargement or alteration of any swimming pool and appurtenances shall first be submitted to the Zoning Officer and Construction Official for examination and approval.
- c. All plans shall be prepared by a New Jersey licensed professional engineer or architect, and drawings shall be drawn to scale of not less than 1"=10'.
- d. The pool plan shall show the location of all existing and proposed site structures, including principal and accessory buildings, decks, walks, patios, fences, pumps and pool equipment, as well as impervious coverage calculations. All dimensions, sizes, coverage calculations and distances shall be accurately figured and drawings made explicit and complete showing the lot line, all structures on the lot, all information pertaining to the pool including water supply system, drainage and disposal systems for the filtration unit; decks, walks and fence locations and all appurtenances pertaining to the swimming pool. Detailed plans and vertical elevations in accordance with the Building Code must also be provided.
- e. All proposed pools shall comply with Chapter 27, Zoning, subsection 27-27.6 Fences, Wall, and Sight Triangles.
- f. All private residential swimming pools, appurtenances, water supply and drainage systems shall be constructed in conformity with the approved plans. As-built drawings of the pool and appurtenant structures as described in paragraph d. above, shall be prepared by a NJ licensed professional engineer, architect or surveyor.
- g. All outdoor swimming pools shall be completely enclosed by a fence as required by the construction code. All fences shall comply with Chapter 27, Zoning, subsection 27-27.6 Fences, Walls and Sight Triangles.
- h. No private residential pool shall be installed on any lot unless said lot shall contain a residence and said pool shall be accessory to the residence.

- i. Swimming pools shall be located in the rear yard only.
- j. All swimming pools, including any aprons, walkways, or patios connected with any swimming pool, whether made of pervious or impervious material shall be at least ten (10) feet from any property line.
- k. Pumps, filters, pool water disinfectant equipment and other similar equipment accessory to a swimming pool's use shall be located not less than ten (10) feet from any side or rear property line.
- l. All swimming pools, measured from the water's edge, shall be at least ten (10) feet from any principal structure; provided that this shall not apply to any swimming pool which (a) is wholly above grade; (b) occupies an area less than 100 square feet; (c) and is covered by a rigid cover when not in use.
- m. No Significant Specimen Tree shall be removed for the construction of a swimming pool. The Borough's Tree Specialist shall designate what constitutes a Significant Specimen Tree. See Chapter 30, subsection 30-1.2 Significant Specimen Trees and subsection 30-1.3 Tree Specialist.

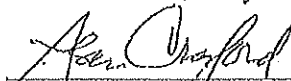
Section 2. Repealer. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of that conflict.

Section 3. Severability. Should any portion of this ordinance be declared unconstitutional or invalid, the remaining portion of this ordinance shall not be affected thereby and shall remain in full force and effect, and to that end the provisions of this ordinance are declared to be severable.

Section 4. Effective Date. This ordinance shall take effect 20 days after passage and publication, according to law.



Carol E. Sabo, Mayor



Alan Crawford, Deputy Mayor



George Dick, Commissioner

Theresa Enteado

Theresa Enteado, RMC
Municipal Clerk

Introduced:	February 22, 2023
First Publication:	March 1, 2023
Second Reading & Adoption:	March 8, 2023
Final Publication:	March 15, 2023
Effective Date:	March 28, 2023

I hereby certify that the foregoing is a true copy of an Ordinance duly passed and adopted by a majority of full membership of the Board of Commissioners of the Borough of West Cape May, County of Cape May, New Jersey, at a meeting held on March 8, 2023.

Municipal Clerk