

## Chapter 367, SWIMMING POOLS

[HISTORY: Adopted by the City Council of the City of Binghamton 10-5-1970 (Ch. 22 of the 1970 Code). Amendments noted where applicable.]

### GENERAL REFERENCES

Plumbing -- See Ch. 310.

Sewer use -- See Ch. 342.

Water -- See Ch. 405.

Zoning -- See Ch. 410.

#### § 367-1. Compliance with chapter; permit required.

No private swimming pool shall be constructed, installed or maintained on any premises within the City of Binghamton unless it complies with the provisions of this chapter and a building permit is first obtained from the Superintendent of Buildings.

#### § 367-2. Applicability to existing pools.

Swimming pools in existence on September 8, 1964, shall, on or before October 1, 1964, comply with all the terms of this chapter, with the exception, however, that swimming pools presently in existence which are enclosed by a wall, fence or other substantial structure at least three feet high equipped otherwise in accordance with § 367-4 shall be considered as complying with the enclosure requirements of § 367-4.

#### § 367-3. "Private swimming pool" defined.

The term "private swimming pool" as used in this chapter shall mean any body of water or receptacle for water having a depth at any point greater than two feet, constructed, installed or maintained in or above ground, outside a residential building, except hotels and motels, as an accessory use to a residence for swimming or bathing by the occupants thereof and guests.

#### § 367-4. Enclosures.

Every swimming pool shall be completely enclosed by a wall, fence or other substantial structure not less than four feet in height with no openings therein, other than doors or gates, larger than three inches. All such gates or doors opening through such enclosure shall be equipped with self-closing and self-latching devices, designed to keep and capable of keeping such gate or door securely closed at all times when not in actual use; provided, however, that the door of any dwelling occupied by human beings and forming any part of the enclosure hereinabove required need not be so equipped.

#### § 367-5. Location of private pools. [Amended 5-28-1974 by Ord. No. 87-74; 9-3-1974 by Ord. No. 186-74]

All private swimming pools shall be constructed, installed or maintained only in the rear or side yard of the premises; all swimming pools shall be considered structures within the meaning of Chapter 410, Zoning, of the Code of the City of Binghamton, except that they shall not be placed into any yard to a point closer than five feet to any lot line.

#### § 367-6. Lighting.

No lighting shall be permitted in, on or about a swimming pool, except such lighting that shall shine into or upon said pool and cast no light or reflections onto abutting properties.

#### § 367-7. Inspection of pools connected to City water or sewer system; applicability of Plumbing Code.

All swimming pools connected to the water or sewer system of the City shall be inspected by the Plumbing Inspector of the City before said pools can be used by the owners, and the Plumbing Code of the City shall apply to all plumbing connections made to the pool.

**§ 367-8. Abandonment of pool.**

Should the owner abandon the swimming pool, he or she shall arrange to remove the depression and return the surface of the ground to its original grade and approximately in the same condition as before the pool was constructed, and he or she shall further notify the Superintendent of Buildings of the abandonment so that the site may be inspected.

**§ 367-9. Inspection of City pools; report and recommendations to Council. [Added 6-16-1975 by Ord. No. 97-75]**

A. The City Engineer is directed to make periodic inspections of the City of Binghamton's swimming pools for the purpose of insuring maintenance.

B. The City Engineering Department is directed to make a physical inspection of each swimming pool facility between September 1 and October 1 each year and to provide the Binghamton City Council with a written report each year with the results of these inspections and the recommendations of the City Engineering Department for repairs as to any swimming pool facility in the City of Binghamton, New York.