BOROUGH OF HAMBURG

ORDINANCE 19-2026

AN ORDINANCE AMENDING CHAPTER 190 - SWIMMING POOLS - OF THE CODE OF THE BOROUGH OF HAMBURG, COUNTY OF SUSSEX, STATE OF NEW JERSEY TO PROVIDE FOR APPROVAL OF INSTALLATION OF SWIMMING POOLS BY THE ZONING OFFICER, SETTING STANDARDS FOR APPROVAL, DEFINITION OF IN- AND ABOVE – POOLS AND FEES.

BE IT ORDAINED BY THE Mayor and Council of the Borough of Hamburg, County of Sussex, State of New Jersey that Chapter 190-1 – Construction Standards and regulations for residential pools - is amended in its entirety as follows:

Section 1. Definitions

For purposes of this section, the following definitions shall apply:

Swimming Pool shall mean any permanent or temporary structure, basin, tank or other receptacle intended for swimming, bathing or recreational purposes, whether in ground or above ground, which is designed to contain a surface area of water of 100 feet or more and a depth of more than 24 inches or a height of more than 24 inches above grade.

Section 2. Zoning Approval Required

A. No person shall install, construct, place, enlarge, relocate or substantially alter a swimming pool on any residential property within the Borough without first obtaining written approval from the Zoning Officer.
B. Zoning approval shall be required prior to the commencement of any site preparation, excavation, construction, assembly or installation associated with the swimming pool.
C. No construction or installation permit issued pursuant to the New Jersey Uniform Construction Code shall be construed as constituting zoning approval under this section.

Section 3. Application for Zoning Approval

An applicant seeking approval for a residential swimming pool shall submit to the Zoning Officer an application on forms prescribed by the Borough together with such information as the Zoning Officer reasonably determines is necessary to establish compliance with the Borough's zoning and other regulations.

At a minimum, the application shall include:

1. The street address and tax lot and block of the property;
2. The name and address of the property owner;
3. A plot plan or survey showing the location of the existing dwelling, accessory structures, property lines, easements and proposed swimming pool;
4. The proposed dimensions and location of the swimming pool;
5. The proposed setbacks from all property lines and existing structures;

6. The location and dimensions of any proposed pool deck, patio, equipment, fencing, gates, retaining walls or other improvements associated with the pool.
7. The proposed method of handling pool, drainage and discharge.
8. Such additional information as may reasonably be required by the Zoning Officer to determine compliance with the Borough's zoning ordinance.

Section 4. Regulations

1. All pools shall be located in rear yard areas;
2. Pools shall occupy no more than 25% of the rear yard area or a maximum of 800 square feet as measured along the surface of the water, whichever smaller;
3. No edge of any pool shall be closer to any lot line than 10 feet;
4. In case of a corner lot, a permanent private swimming pool shall not be constructed, erected, installed or maintained closer to the side street line than the prevailing setback line on that street;
5. The pool may be lighted by underwater or exterior lights, or both, provided all exterior lights are located so that the light in neither directed nor reflected upon adjacent properties in such a manner as to be a nuisance or any annoyance to neighboring properties. Underwater lighting shall be in conformation with the Electric Code currently in effect in the Borough.
6. The pool shall be completely surrounded by protective fencing a minimum of 4 feet in height.
7. No sound amplifying system shall be used with a private swimming pool.

Section 5. Standards for Zoning Approval

The Zoning Officer shall review the application to determine that the swimming pool complies with all applicable provisions of the Borough's zoning and other applicable ordinance, including, but not limited to:

1. Required setbacks from property lines and structures;
2. Front, side, and rear yard requirements;
3. Accessory structure requirements;
4. Lot coverage requirements;
5. Impervious coverage requirements, where applicable;
6. Easements and rights-of-way;
7. Drainage and stormwater requirements;
8. Required fencing or other enclosure requirements to the extent regulated by applicable law; and

The Zoning Officer may condition approval upon reasonable modifications necessary to bring the proposed installation into compliance with the Borough's zoning regulations.

Section 6. Drainage

No swimming pool shall be installed or operated in a manner that causes water, drainage or overflow to be discharged onto or in a manner that adversely affects an adjoining property.

The Zoning Officer may require the applicant to submit a drainage plan or other documentation where reasonably necessary to determine compliance with applicable Borough requirements.

Section 7. State Construction Code Requirements

Approval by the Zoning Officer under this Ordinance shall not constitute approval under the New Jersey Uniform Construction Code.

The applicant shall obtain all construction, building, electrical, plumbing or other permits required by applicable law before commencing work.

All swimming pools shall comply with the New Jersey Uniform Construction Code and all other applicable requirements imposed by law.

Section 8. Inspections

The Zoning Officer, Construction Official or other duly authorized Borough official may inspect the property during installation, upon reasonable notice and in accordance with applicable law, to determine compliance with this Ordinance and other applicable Borough requirements.

Section 9. Uniform Construction Code

Nothing herein shall be construed to exempt any swimming pool from any permit or safety requirement otherwise imposed by the New Jersey Uniform Construction Code or other applicable law.

Section 10. Fees

The fee for Zoning approval shall be as set forth in the Construction Code Fee Schedule. In addition, the applicant shall pay any engineering or other expert expenses as reasonably required to process the application and the applicant shall be informed in advance of such potential expenses.

Section 11. Severability

This Ordinance is deemed divisible and in the event any provision or part hereof is deemed invalid by a Court of competent jurisdiction, the rest and remainder shall remain in full force and effect.

Section 12. Repealed

All ordinances or parts of ordinances inconsistent with the provisions of this Ordinance are, to the extent of such inconsistency, repealed.

CERTIFICATION

Notice is hereby given that the above Ordinance was introduced and passed on first reading at the meeting of the Mayor and Council of the Borough of Hamburg held on November 2, 2026 at

7:00 p.m., and will be considered for final passage at a regular meeting of said Mayor and Council to be held on December 7, 2026 at 7:00 p.m. or as soon thereafter as same can be considered, in the Municipal Building located at 16 Wallkill Avenue, Hamburg, New Jersey at which time and place all persons interested therein or affected thereby will be given the opportunity to be heard concerning the same. A copy of said Ordinance is on file in the Office of the Borough Clerk, Municipal Building located at 16 Wallkill Avenue, Hamburg, New Jersey and is available for public inspection and acquisition during regular business hours

Beth Martin
Acting Municipal Clerk

TAKE NOTICE that the above titled ordinance was introduced and passed on first reading at a regular meeting of the Mayor and Council of the Borough of Hamburg in the County of Sussex, held on November 2, 2026 and after posting and publication according to law, was again read and further considered for final adoption after a public hearing at the regular meeting of the Mayor and Council held on December 7, 2026 at which meeting said ordinance was adopted.

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Beth Martin
Acting Municipal Clerk