

**COUNTY OF BERGEN
BOROUGH OF PARAMUS
ORDINANCE 2021-19**

**AN ORDINANCE TO AMEND PART II, GENERAL LEGISLATION,
CHAPTER 429, ZONING, SUBSECTION 429-34, SWIMMING POOLS,
OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF PARAMUS**

BE IT ORDAINED, by the Mayor and Council of the Borough of Paramus, County of Bergen and State of New Jersey, that Part II, General Legislation, Chapter 429, Zoning, Subsection 429-34, Swimming Pools, of the Code of the Borough of Paramus, is hereby amended as follows:

Section 1. The current text of Borough Ordinance, Part II, General Legislation, Chapter 429, Zoning, Subsection 429-34, Swimming Pools, shall hereby be amended to include the following:

§ 429-34 Private swimming pools and hot tub/spa.

Private swimming pools and hot tub/spa are classified as accessory to residential dwellings, as hereinafter regulated and restricted and upon the issuance of a permit therefor by the Building Subcode Official of the Borough of Paramus. The fee for such permit shall be computed by the Building Subcode Official as in the case of other structures.

A. A private swimming pool or hot tub/spa may be constructed, installed or maintained in the side yard or rear yard of such residential property subject to the following:

- 1) For a private swimming pool or hot tub/spa, the inner face of the side wall of such private swimming pool or hot tub/spa shall not be located less than 10 feet from any side and rear yard property lines.
- 2) For private swimming pools, the inner face of the side wall shall not be located less than five feet to any building.
- 3) Where such residential property is a corner lot or where such private swimming pool or hot tub/spa is to be constructed, installed or maintained in a side yard, no such private swimming pool or hot tub/spa, nor any walkways, buildings, structures, equipment or appurtenances thereto shall be located less than the minimum depth of setback from any street line required by this chapter for front yards in the zone in which such residential property is located.

B. A walkway of 4 feet in width is permitted to encroach into any required setback; any paved surface that is larger in size is considered to be a patio and must follow all patio requirements. Pool/filter equipment must be a minimum of 10 feet from the rear and side yard lines.

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C. No plot of land or premises upon which a private swimming pool is constructed, installed, maintained or located shall be subdivided if the result of such subdivision will be that said pool is separated from the portion of said land or premises upon which the residential dwelling is erected, to which said private pool is an accessory use.

D. No artificial lighting shall be maintained or operated in connection with a private swimming pool in such a manner as to be a nuisance or annoyance to the neighboring property owners, but such artificial lighting shall be so arranged and shaded as to reflect light away from adjoining properties.

E. All private swimming pools, hereafter constructed, installed or maintained shall be completely surrounded by a fence or wall in accordance with the following requirements:

- 1) A minimum of a four-foot-high fence is required to be installed around a private swimming pool or property that houses a private swimming pool. Fence requirements for a pool shall meet the present Building Code for swimming pools.
- 2) The fence or wall herein required shall completely surround said private swimming pool except that a dwelling house or accessory building may be used as part of such enclosure.
- 3) Said fence or wall enclosure shall be so designed and constructed as to reasonably prevent any person from gaining access beneath, through or over the same.

F. No private swimming pool shall be enclosed in an all-weather shelter except upon approval by the Land Use Board of the Borough of Paramus that a permit is granted therefor as a conditional use. The procedure for such application shall be the same as that provided for other conditional uses. In addition to the guiding principles and standards set forth elsewhere in this Chapter, where applicable, the Land Use Board shall also be guided by the following additional principles and standards:

The Land Use Board shall consider the height and exterior appearance of such all-weather shelter and shall make a specific finding, supported by evidence produced at a public hearing in the manner provided by law, that such use will not be detrimental to the character of the neighborhood, to the public health, safety and welfare and to the intent and purpose of this Chapter.

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Section 3. Any ordinance or part thereof inconsistent with this ordinance is repealed to the extent of such inconsistency.

Section 4. This ordinance shall take effect following adoption and approval in a time and manner provided by law.

Attest:



ANNEMARIE KRUSZNIS, RMC
Borough Clerk

Approved:



RICHARD A. LABARBIERA
Mayor

Introduced: April 13, 2021
Final: May 11, 2021