

**TOWNSHIP OF HAMILTON  
COUNTY OF MERCER, NEW JERSEY**

**ORDINANCE**

No. **24-014**

1ST READING	<u>March 5, 2024</u>	DATE TO MAYOR	<u>March 20, 2024</u>
2ND READING & PUBLIC HEARING	<u>March 19, 2024</u>	DATE RESUBMITTED TO COUNCIL	_____
WITHDRAWN _____	LOST _____	DATE EFFECTIVE	_____

APPROVED AS TO FORM AND LEGALITY

FACTUAL CONTENTS CERTIFIED TO BY

\_\_\_\_\_  
TOWNSHIP ATTORNEY

\_\_\_\_\_  
TITLE

**ORDINANCE AMENDING AND SUPPLEMENTING THE CODE OF THE TOWNSHIP OF HAMILTON, NEW JERSEY, PART II, GENERAL LEGISLATION, CHAPTER 442, SWIMMING POOLS**

**§ 442-1 State swimming pool code adopted.**

A code regulating and controlling the location and construction, alteration and operation of swimming pools, and the issuance of licenses to locate and construct, alter or operate swimming pools, and declaring and defining certain swimming pools as nuisances, and fixing penalties for violation, is hereby adopted pursuant to N.J.A.C. 8:26 as may be amended.

**§ 442-2 Title.**

The code established and adopted by this chapter is described and commonly known as the current edition of the New Jersey State Sanitary Code, Chapter IX, Public Recreational Bathing as may be amended.

**§ 442-3 Availability of copies.**

Three copies of the current edition of the Swimming Pool Code of New Jersey have been placed on file in the office of the Division of Health and the office of the Clerk of the Township and will remain on file for use and examination by the public.

**§ 442-4 Permit to construct or alter.**

No person shall locate, construct or alter a public recreational bathing facility until a construction permit is issued as required under the Uniform Construction code N.J.A.C. 5:23, as may be amended.

**§ 442-5 Division of Health plan review.**

No person shall construct or alter a public recreational bathing facility until the Division of Health has reviewed and approved plans as required under the Public Recreational Bathing Code (N.J.A.C. 8:26) as may be amended. The fees for plan review are set forth in Chapter 215, Fees, of the Township Code.

**§ 442-6 License to operate.**

**[Added 5-3-2016 by Ord. No. 16-014]**

No person shall operate a public recreational bathing facility until a license has been issued by the Division of Health. The fees for operating the following types of public recreational bathing facilities are set forth in Chapter 215, Fees, of the Township Code:

- A. Yearly pools.
- B. Yearly spas.
- C. Seasonal pools.

EXPLANATION

Matter UNDERLINED thus in this legislation is new matter.  
Matter contained in BRACKETS [thus] is to be omitted from the law.

**TOWNSHIP OF HAMILTON  
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**ORDINANCE**

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D. Seasonal wading pools.

**§ 442-7 Expiration and renewal of operator's license.**

Licenses issued for the operation of a swimming pool shall expire annually on May 15 of each year, and application for renewal shall be submitted, together with the required fee, prior to May 1 of each year.

**§ 442-8 Denial or suspension of license.**

- A. Licenses required by this chapter or the code adopted by this chapter may be denied or suspended by the Division of Health for failure to comply with this chapter or the code.
- B. The Division of Health shall afford the person whose license to locate and construct, alter or operate has been denied or suspended an opportunity to be heard in public hearing and, following this, to be informed of the Division's decision as provided by the code.

**§442-9 Private dwelling swimming pools/spa rentals.**

The leasing or renting, for any purpose, of a private dwelling swimming pool/spa is prohibited unless said swimming pool/spa is in compliance with the New Jersey State Sanitary Code, Chapter IX, Public Recreational Bathing Code (N.J.A.C. 8:26) as may be amended.

Any Ordinance or Ordinances in conflict with the provisions of this Ordinance are repealed to the extent of such conflict.

\_\_\_\_\_  
PRESIDENT

\_\_\_\_\_  
MUNICIPAL CLERK

RECORD OF VOTE													
First Reading							Second Reading						
COUNCIL	AYE	NAY	NV	AB	ORD	SEC	COUNCIL	AYE	NAY	NV	AB	ORD	SEC
PASQUALE "PAT" PAPERIO, JR.				✓			PASQUALE "PAT" PAPERIO, JR.						
NANCY PHILLIPS	✓				✓		NANCY PHILLIPS						
CHARLES F. WHALEN	✓						CHARLES F. WHALEN						
RICHARD L. TIGHE, JR.	✓					✓	RICHARD L. TIGHE, JR.						
ANTHONY P. CARABELLI, JR.	✓						ANTHONY P. CARABELLI, JR.						

X - Indicates Vote    A.B. - Absent    N.V. - Not Voting    RES. - Moved    SEC. - Seconded

REJECTED \_\_\_\_\_

\_\_\_\_\_  
JEFFREY S. MARTIN, MAYOR

\_\_\_\_\_  
DATE

APPROVED \_\_\_\_\_

RECONSIDERED BY COUNCIL \_\_\_\_\_    OVERRIDE VOTE    AYE \_\_\_\_\_    NAY \_\_\_\_\_

**EXPLANATION**    Matter UNDERLINED thus in this legislation is new matter.  
Matter contained in BRACKETS [thus] is to be omitted from the law.