

TOWN OF BUCHANAN
Chapter 525 – ZONING
PRIVATE SWIMMING POOLS

§ 525-39. Private swimming pools.

No person shall construct, install or enlarge a residential swimming pool not enclosed in a permanent building in the Town except in accordance with the following regulations:

- A. Definition. "Swimming pool" means any depression in the ground, either temporary or permanent, or a container of water, either temporary or permanent and either above or below the ground, in which water more than 18 inches deep is contained and which is used primarily for the purpose of bathing or swimming.
- B. Permit.
- (1) Required. No person shall construct, install, enlarge or alter any private swimming pool unless a permit therefor has been first obtained from the Building Inspector.
 - (2) Application. Application shall be on forms provided by the Building Inspector and shall be accompanied by plans drawn to scale showing the following:
 - (a) Location of pool on lot, distance from lot lines and distance from structure.
 - (b) Location of any septic tank, filter bed and sewer and water lines.
 - (c) Pool dimensions and volume of water in gallons.
 - (d) Location of proposed fence, and type, size and gate location.
 - (e) Existing overhead wiring relative to proposed pool.
 - (f) Underground utilities.
 - (3) Fees. All fees shall be established by resolution of the Town Board.
- C. Construction requirements.
- (1) No pool shall be located, erected, constructed or maintained closer to any side or rear lot line than allowed by this chapter for permitted accessory building uses, and the waterline of any pool shall not be less than 10 feet from any lot line or building.
 - (2) No connection shall be made to the sanitary sewer or septic system.
 - (3) Where topography requires, a permanent wall of concrete, masonry or material approved by the Building Inspector shall be constructed to prevent ground and fill from spilling onto adjoining property.
 - (4) Gaseous chlorination systems shall not be used for disinfecting pool waters.
 - (5) No aboveground pool shall be less than 15 feet from any septic system.
- D. Fences.
- (1) All in-ground swimming pools not enclosed within a permanent building shall be completely enclosed by a fence of sufficient strength to prevent access to the pool, not less than five feet in height and so constructed as not to have void, holes or openings larger than two inches in one dimension. Gates or doors shall be constructed so as to be capable of being locked and shall be closed and secured so as to prevent unlatching by persons outside the pool at all times when the pool is not in actual use.
 - (2) Aboveground pools within four-foot walls shall be considered fenced to prevent unguarded entry and shall be permitted without separate additional fencing, provided the pool wall is of the minimum height and design as herein specified.

- (3) Permanent access from grade to aboveground pools having stationary ladders, stairs or ramps shall have safeguard fencing and gates equivalent to those required herein, subject to all other applicable ordinances and subject to the following:
 - (a) No fence shall be located, erected, constructed or maintained closer than three feet to a pool.
 - (b) The wall of the house or building facing a pool may be incorporated as a portion of such fence.
- E. Utility sheds and other outbuildings shall not be located closer than five feet to pool area. [Amended 8-17-2010 by Ord. No. 2010-03]
- F. Electrical requirements.
 - (1) To comply with electrical codes. All electrical installations shall require separate permits and shall be governed by the Town Electrical Code.¹
 - (2) Pool lights. If overhead floor or other artificial lights are used to illuminate the pool at night, such lights shall be shielded to direct light only on the pool.²

1. Editor's Note: See Ch. 230, Building Construction, Arts. III and V.

2. Editor's Note: Original Sec. 63-06(13), Separation distances for public and private wells, which immediately followed this section and was added by Ord. No. 2006-05, has been moved to Ch. 460, Subdivision of Land, as § 460-70.