

Chapter 373

SWIMMING POOLS, PUBLIC RECREATIONAL BATHING FACILITIES

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[HISTORY: Adopted by the City Council of the City of Rahway 7-9-1984 by Ord. No. A-12-84 as Ch. 176 of the 1984 Code; amended in its entirety 5-8-2023 by Ord. No. O-23-23 . Subsequent amendments noted where applicable.]

§ 373-1. Adoption of State Sanitary Code.

Adopted by the City of Rahway, for the purpose of prescribing regulations governing conditions relating to public recreational bathing Chapter IX of the New Jersey State Sanitary Code, as set forth in N.J.A.C. 8:26-1.1. et. seq., entitled "Chapter 26, Public Recreational Bathing" as the same may be, from time to time, amended by the New Jersey State Department of Health on January 16, 2018 for adoption by reference by City's Department of Health in accordance with the law. Three copies of such Chapter IX have been placed in the office of the City Clerk for use and examination of the public and a copy thereof is annexed to this chapter and made a part hereof.

§ 373-2. Terminology.

- A. Chapter IX of the New Jersey State Sanitary Code, as set forth in N.J.A.C. 8:26-1.1, et. seq., entitled "Chapter 26, Public Recreational Bathing" as the same may be, from time to time, amended by the New Jersey State Department of Health on January 16, 2018 for adoption by reference by City's Department of Health in accordance with the law:
- (1) Regulating and controlling the location and construction, alteration and operating of swimming pools and other bathing facilities.
 - (2) Regulating and controlling the issuance of licenses to locate and construct, alter, or operate swimming pools and other bathing facilities.
 - (3) Declaring and defining certain swimming pools as nuisances.
- B. Public recreational bathing facility means any bathing beach, hot tub, spa, swimming pool, wading pool, and aquatic recreation facility that includes municipal facilities, as well as any beach that an owner or operator permits for use as a public swimming area through advertising, publicity, or designation. Public recreational bathing facilities do not include a non-bathing beach and/or a private

recreational bathing facility.

- C. Swimming pool shall mean a conventional pool, spa-type pool, wading pool, special purpose pool, or water recreation attraction, to which admission may be gained with or without payment of a fee, and includes, but is not limited to, pools operated by or serving campgrounds, clubs, churches, cities, common interest communities, counties, day care centers, group home facilities for six or more clients, health spas, institutions, parks, private lake, river, or bay associations, or private community lake, river, or bay associations municipal agencies, retirement communities, schools, specially exempt facilities, subdivisions, or cooperative living type projects of three or more living units, such as apartments, boarding homes, condominiums, hotels, mobile home parks, motels, recreational vehicle parks, townhouses, trailer parks, and youth camps.

§ 373-3. License required; fee; term; enforcement.

- A. It shall be unlawful for any person or corporation to operate any swimming or recreation facility that is governed by rules of Chapter IX of the New Jersey State Sanitary Code, as set forth in N.J.A.C. 8:26-1.1 et seq. entitled "Chapter 26, Public Recreational Bathing" without a license from Department of Health.
- B. Every application for a license under this section shall be made to the Rahway Department of Health.
- C. The following fees are established:
- (1) For plan review fee to locate and/or construct a bathing facility, \$250.
 - (2) Annual fee for each applicable swimming pool, \$300.
 - (3) Annual fee for each applicable aquatic recreation facility including spray park, \$300.
 - (4) Late fee will be an additional \$50 if received after March 30 of each year. Late fee shall not apply to seasonal pools.

§ 373-4. License expiration; renewal.

Licenses issued for the operation of a nonresidential swimming pool shall expire annually on December 31 of each year, and application for the renewal thereof shall be submitted, together with the required fee, prior to March 30 of each year. Seasonal pools must obtain license prior to operating the pool for the year and must be renewed each year. The license fees shall not be prorated.

§ 373-5. Applicability.

This section shall not be deemed to apply to or include swimming or wading pools established or maintained upon any premises by any individual for his own or his family's use or for the use of guests of his household.

§ 373-6. Suspension or denial of license; hearing.

- A. Licenses required by this section may be suspended or denied by the Health Officer of the Rahway Health Department.
- (1) No person shall locate, construct, alter or operate a nonresidential swimming pool until a full plan review is conducted and a license is received from the Rahway Health Department.

- (2) The Health Officer of the Rahway Health Department shall afford the person whose license to locate and construct, alter or operate has been suspended or denied, an opportunity to be heard in public hearing. Following such hearing, the person shall be informed of the decision of the Health Officer of the Rahway Health Department.

§ 373-7. Inspection.

The applicant shall also agree in writing to permit representatives of the City's Health Department to inspect the premises during reasonable hours without advance notification so as to provide the City Health Department with any and all information it needs so as to substantiate that the facility is complying with all local Chapter IX of the New Jersey State Sanitary Code, as set forth in N.J.A.C. 8:26-1.1 et seq. entitled "Chapter 26, Public Recreational Bathing."

§ 373-8. Prohibited alterations and modifications.

No person shall make or cause to be made any alterations or modifications in any public recreational facility if such changes or modifications may affect public health.

§ 373-9. Standards; failure to maintain standards.

- A. All pools shall be so designed and constructed as to facilitate emptying and cleaning and shall be maintained and operated in such manner as to be clean and sanitary at all times.
- B. All pools shall be constructed, installed and maintained as to provide necessary equipment for chlorination and other disinfection and filtering to comply with the latest recommendations made by the American Public Health Association and of the State Department of Health.
- C. Failure to maintain the sanitary quality of the water prescribed by this subsection or to restore such water to the required quality within the time prescribed by the Rahway Health Department shall be deemed sufficient cause for revocation of the permit.
- D. Pollution of pool. No person shall urinate, defecate, expectorate or blow his or her nose in any pool.
- E. Communicable disease. No person having skin lesions, sore or inflamed eyes, mouth, nose or ear discharge, or who is a carrier, shall knowingly use any pool or be permitted to use any pool.

§ 373-10. Closure.

Whenever any pool has mechanical defects, lacks proper supervision, fails to comply with the requirements of this section and of applicable codes, or is a hazard to the health of users, the Rahway Health Department shall serve notice upon the owner or operator, by certified mail, stating the particulars in which the pool fails to conform. Upon issuance of such notice, the pool shall be closed until a subsequent inspection(s) indicates compliance.

§ 373-11. Violations and penalties.

- A. Any person, firm or corporation violating any provision of this chapter shall, upon conviction, be punished by a fine of not less than \$100 for each first offense; not less than \$250 for each second offense; and not less than \$500 for each offense thereafter, or be imprisoned in the county jail for a period not exceeding 90 days, or by both such fine and imprisonment, or be subject to a civil penalty, not to exceed \$500 which penalty shall be enforced or collected through any court of competent jurisdiction in accordance with the Penalty Enforcement Law, N.J.S.A. 2A:58-1, et seq. Each

violation of any of the provisions of this chapter and each day or part thereof the same is violated shall be deemed and taken to be a separate and distinct offense.

- B. Applicability. The provisions of this section shall apply to each ordinance of the Board of Health except for those ordinances where a separate and distinct penalty is stipulated.