

ORDINANCE NO. 2014- 17

**AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE BOROUGH OF ELMER, SALEM
COUNTY, STATE OF NEW JERSEY, AMENDING CHAPTER 25
ENTITLED "LAND DEVELOPMENT REGULATIONS"
OF THE CODE OF THE BOROUGH OF ELMER**

WHEREAS, the Mayor and Council of the Borough of Elmer have determined that certain amendments to Chapter 25 entitled "Land Development Regulations" are necessary; and

WHEREAS, in all other respects Chapter 25 entitled "Land Development Regulations" shall remain in full force and effect;

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Council of the Borough of Elmer, County of Salem and State of New Jersey, and it is hereby enacted and ordained by the authority of same as follows:

Section 1.

Chapter 25-15.2 entitled "**Schedule of District Regulations**" shall be amended as follows:

The Chapter Appendix adopted by reference in the Schedule of District Regulations shall be amended as follows:

1. Rear yard and side yard setback for sheds and movable structures shall be amended to two feet (2') from ten feet (10').
2. The rear yard and side yard setback for swimming pools shall be amended to five feet (5') from ten feet (10').

Section 2.

The existing text of Chapter 25-18.1 entitled "**Signs**" shall be deleted in its entirety and replaced with the following:

Signs.

Section 3.

The existing text of Chapter 25-18.5 entitled “**Swimming Pools**” shall be deleted in its entirety and replaced with the following:

Swimming Pools.

A. Swimming pools shall be permitted as an accessory use to a residential unit in accordance with the following standards:

1. The swimming pool shall not be located in the front yard and no part of the swimming pool shall be located within the rear or side yard setback.
2. Pools shall occupy no more than 75% of the yard area in which it is located.
3. All swimming pools in which water may collect in excess of a depth of two feet (2') shall be completely enclosed by a fence.
4. The type, quality and method of construction of any required fence shall be approved by the Construction Officer with the intent that it shall act as a safeguard and protection to children. Such fence shall be a least four feet (4') in height, but not in excess of six feet (6'), and non-removable. Fences shall have self-locking and self-closing gates and shall be such as to prevent unauthorized children and stray animals from entering the pool area in accordance with the requirements of the Construction Code. These requirements shall also apply to soft-sided pools.
5. No swimming pool shall be constructed in the Borough except in accordance with a permit previously secured from the Zoning Office, upon written application accompanied by a plan showing the size, shape and location of the swimming pool and its enclosure and such other information as may be necessary for the Zoning Officer to determine whether the pool complies with the requirements of this Chapter.
6. All swimming pools shall be constructed to the design standards as set forth by the National Swimming Pool Institute.
7. No commercial swimming pool shall be constructed or installed unless approved as part of a site plan approval. Commercial swimming pools shall be classified into type in accordance with their particular use and shall meet the appropriate design standards as set forth by the National Swimming Pool Institute or the Swimming Pool Code of New Jersey, whichever is more stringent.

Section 4.

Repealer.

All prior Ordinances or parts of Ordinances inconsistent with this Ordinance be and the same are hereby repealed to the extent of such inconsistencies.

Section 5.

Severability.

Should any section, clause, sentence, phrase or provision of this Ordinance be declared unconstitutional or invalid by a Court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance.

Section 6.

When effective.

This Ordinance shall take effect immediately upon final passage and publication in accordance with law.

BOROUGH OF ELMER

**BY: _____
Joseph Stemberger, Mayor**

ATTEST:

**Beverly S. Richards
Borough Clerk**

NOTICE

The Ordinance published herein was introduced and passed upon first reading at a meeting of the Mayor and Council of the Borough of Elmer, in the County of Salem and State of New Jersey, held on May 14, 2014. It will be further considered for final passage, after public hearing hereon, at a meeting of said Mayor and Council to be held in the Borough Hall, 120 South Main Street, Elmer, New Jersey 08318, on June 11, 2014 at 7:30 P.M. During the week prior and up to and including the date of such meeting, copies of said Ordinance will be made available at the Clerk's office at Borough Hall, 120 South Main Street, in the Borough, to the members of the general public who shall request the same.

Beverly S. Richards
Borough Clerk