



## **CODE OF THE VILLAGE OF ANGOLA**

---

### **Chapter 203 SWIMMING POOLS**

**§ 203-1. Purpose; compliance with rules and regulations.**

**§ 203-2. Definitions.**

**§ 203-3. General provisions.**

**§ 203-4. Building permits.**

**§ 203-5. Location.**

**§ 203-6. Construction and equipment.**

**§ 203-7. Water supply and drainage.**

**§ 203-8. Fencing.**

**§ 203-9. Electrical work and heating.**

**§ 203-10. Maintenance.**

**§ 203-11. Reasonable use.**

**§ 203-12. Existing pools.**

**§ 203-13. Penalties for offenses.**

**[HISTORY: Adopted by the Board of Trustees of the Village of Angola as Ch. 35 of the 1974 Code. Amendments noted where applicable.]**

#### **GENERAL REFERENCES**

**Construction Codes – See. Ch. 78.**

**Excavation – See Ch. 91.**

**Zoning – See Ch. 245.**

---

#### **§ 203-1. Purpose; compliance with rules and regulations.**

- A. In pursuance of the authority conferred by the Village Law in the State of New York and in order to promote the health, safety and general welfare of the inhabitants of the Village of Angola, this chapter is hereby enacted.
- B. All construction and operation referred to in this chapter must be in accordance with Federal, State and local laws and codes. All sanitary conditions must comply with the rules of the State and County Health Departments.

#### **§ 203-2. Definitions.**

When used in this chapter, certain words and terms shall have the following meanings:

**ABOVEGROUND SWIMMING POOL** – All swimming pools having all or any section of their exterior wall above the surrounding ground level.

**IN-GROUND SWIMMING POOL** – All swimming pools having their entire water surface below the level of the surrounding ground.

**PERMANENT CONSTRUCTION** – The installation of an aboveground or below-ground swimming pool which requires more than one foot of excavation for any part of the pool and/or is constructed of concrete, wood, metal, or other materials and/or encircled or partly encircled by a deck or platform, any part of which cannot be dismantled for storage.

SWIMMING POOL – All private or semiprivate swimming, bathing, or wading pools, ponds or tanks, above or below the ground, of permanent or temporary nature, which have a depth of more than 24 inches and/or a water surface of more than 100 square feet, and which are excavated, erected, constructed or created by damming of a stream, whether out of doors or inside a structure or building.

TEMPORARY CONSTRUCTION – The installation of an aboveground swimming pool which requires less than one foot of excavation for any part of the pool, with no platform encircling the pool, other than an entrance platform 4 x 4 feet maximum size, all of which can be dismantled and stored.

**§ 203-3. General provisions.**

- A. A swimming pool shall be deemed to be a structure under Chapter 245, Zoning, of this Municipal Code; and, where applicable, all work must be done in accordance with the New York State Uniform Fire Prevention and Building Code.
- B. A swimming pool may be permitted only as an accessory structure to a principal building used for residential purposes. Said pool shall be for the exclusive use of the occupants of the principal building and their guests.
- C. A swimming pool may be permitted when said use is not as an accessory structure to the principal building only upon application to the Zoning Board of Appeals in accordance with this chapter. Pools used normally by the public, such as clubs and similar organizations, much comply with the New York State Department of Health regulations.
- D. The building line of the pool shall be considered to be its inside wall.

**§ 203-4. Building permits.**

- A. Building permit required. Before any swimming pool is moved, placed, erected, assembled or excavated upon a lot or created by damming a stream, a building permit shall be required.
- B. Additions and alterations. A building permit shall be required for any enlargement of an existing pool, for a dressing shelter, a pump house, an enclosure for the pool or any other structure shall conform to all provisions of the New York State Uniform Fire Prevention and Building Code and the Municipal Code and all other rules and regulations of the Village and shall not unduly interfere with the use or enjoyment of the adjacent property.
- C. Application.
  - (1) Each application for a building permit to erect, construct, dam a stream or excavate a swimming pool or to enlarge an existing pool or to build an ancillary structure must be accompanied by a building permit fee and by plans in sufficient detail to show the following:
    - (a) A plot plan of the property on which the swimming pool is to constructed or placed, showing the location of the swimming pool in reference to the side

lines, rear lines, grades, basement and other structures on the property, and existing electrical service lines and electrical lines.

- (b) The pool dimensions and depths.
  - (c) The location and dimensions of the fence and any structures or appurtenances built or that are to be built in conjunction with the swimming pool.
  - (d) The estimated cost of the proposed swimming pool.
  - (e) The location and type of waste disposal and drainage system of the property.
  - (f) The location and source of water supply.
  - (g) The location, size and description of all proposed electrical connections, lighting (both above and below the ground) and any pool-heating device.
- (2) These plans, along with structural calculations and details, must be prepared and signed by either the owner of the property or a licensed professional engineer or a registered architect or a recognized pool contractor who is an accredited member of the National Swimming Pool Institute.
- D. Filing of permit by contractor. Upon completion of the construction and erection of a swimming pool pursuant to the permit issued in accordance with Subsection A of this section of the Village of Angola Municipal Code, the contractor shall file with the office of the Village Clerk or the office of the Code Enforcement Officer of the Village of Angola a permit to fill the swimming pool. Such permit must be filed at least 24 hours in advance of the filling of the pool and must be submitted on a form as the office of the Code Enforcement Officer of the Village of Angola may from time to time require. Said permit must include the following information: **[Added by L.L. No. 4-1980]**
- (1) The name and address of the property owner in question.
  - (2) The dimensions of the pool in question.
  - (3) The number of gallons of water needed to fill the pool.
  - (4) The number of hydrants to be used.
  - (5) The name and address of the contractor.
- E. Filling by owner excepted. Subsection D shall apply only to instances where the pool is to be filled by the contractor and shall not apply to instances where the pool is to be filled by the owner. **[Added by L.L. No. 4-1980]**
- F. Violation for noncompliance. No owner shall allow a contractor to fill a newly erected swimming pool unless and until Subsections D and E have been fully complied with. Any violation of the contractor of Subsection D and/or Subsection E shall be deemed to be a violation by the owner. **[Added by L.L. No. 4-1980]**

**§ 203-5. Location.**

The location of a permanent or temporary swimming pool on the property must comply with all provisions of Chapter 245, Zoning, but under any circumstances must:

- A. Not be placed in the front yard.
- B. Be at least 15 feet from any side yard line and rear yard line.
- C. Be at least 15 feet from any house basement.
- D. Be at least 20 feet from any active well, septic tank, leach bed, etc., unless conditions warrant a lessening or increasing of this distance.
- E. Not endanger the health and/or safety of its user and not unduly interfere with the use and enjoyment of the adjacent property.

**§ 203-6. Construction and equipment.**

- A. Design and construction. The swimming pool shall be designed and constructed in such a manner as not to endanger the health and/or safety of its users or nonusers and to not unduly interfere with the use and enjoyment of adjacent property.
- B. Filtering equipment. The swimming pool shall be required to have adequate equipment to properly recirculate, filter, algaecide and germicide the water of the pool, with provisions and instructions for maintenance of same.
- C. Ladder or steps. The swimming pool must be equipped with proper safeguards for users of the pool. At least one ladder, no more than two feet from the bottom of the pool, steps or equal must be provided at a location to facilitate quick exit.
- D. Safety equipment.
  - (1) All swimming pools must have a rescue pole, made of aluminum, fiberglass, bamboo or equal material, stored within 15 feet of the swimming pool's interior edge. The rescue pole shall be in length at least 1/2 of the swimming pool's width of 1/2 of the swimming pool's diameter, depending on the type of pool.
  - (2) All swimming pools must have a ring buoy with at least 25 feet of attached rope or cord prominently stored within 10 feet of the pool's interior edge. The type of ring buoy must meet the specifications as set forth by the National Swimming Pool Institute or the American Red Cross.
- E. Referral to Zoning Officer. The Zoning Officer shall pass upon the safety and adequacy of the design, materials, construction and equipment of all swimming pools. In doing so, he may be guided by the minimum standards for residential pools of the National Swimming Pool Institute.
- F. Height. No part of the pool structure, with the exception of deck fencing, shall project more than 4 1/2 feet above the surrounding existing grade, except by special permit.

- G. Plumbing. Where applicable, all plumbing must conform to the plumbing regulations of the New York State Uniform Fire Prevention and Building Code.

**§ 203-7. Water supply and drainage.**

- A. Water supply. There shall be no fixed or direct connection to any nonpotable water supply.
- B. Drainage.
  - (1) There shall be no drainage connection to a sanitary sewer.
  - (2) Chlorinated swimming pool water shall not be discharged into the municipal separate storm sewer system, in accordance with Chapter 190 of this Code.  
**[Amended 12-28-2007 by L.L. No. 5-2007]**
  - (3) There shall be no drainage over adjoining property without permission or consent of the owners.

**§ 203-8. Fencing.**

- A. In-ground swimming pools. Every in-ground swimming pool shall be entirely encircled by a fence.
- B. Aboveground swimming pools.
  - (1) Every aboveground swimming pool having all or any section of its exterior wall less than 3 1/2 feet, measured in a vertical line from the top of the exterior wall to the ground level, shall be entirely encircled by a fence.
  - (2) Every aboveground swimming pool having an exterior wall 3 1/2 or more feet above the ground, using an entrance device other than a simple ladder for entrance and exit to the pool or its surrounding deck or platform, shall have a fence encircling the entrance device at least five feet from the point where such a permanent ladder or entrance device touches the ground or would touch the ground if extended downward.
- C. Height. The fence shall be at least four feet in height and not more than six feet in height. The fence shall be of rigid construction and not easily climbed or crawled under. The fence shall have a gate capable of being locked and shall be locked when unattended.
- D. Distance from wall. The fence for an in-ground swimming pool and an aboveground swimming pool having an exterior wall of less than 3 1/2 feet in height shall not be less than five feet from the inside wall of the pool and shall completely surround the swimming pool.
- E. Use of exterior walls of structures. Portions of exterior walls of structures on the property or lot-line fences may be used for these fencing requirements.

- F. Deck fence. An aboveground swimming pool with a deck must have a fence of at least three feet but not to exceed four feet in height on the outside edge of the deck.
- G. Ladder. The use of a simpler ladder as an entrance devise is permitted for an aboveground swimming pool, but it must be removed and stored when the swimming pool is unattended.

**§ 203-9. Electrical work and heating.**

- A. Conformance with New York State Uniform Fire Prevention and Building Code. All lighting and electrical work shall conform to the New York Station Uniform Fire Prevention and Building Code and be inspected and approved by the New York State Board of Fire Underwriters or other qualified inspection agency approved by the Village. Also, all underground wiring and lighting shall be of low voltage.<sup>1</sup>
- B. Disturbance of adjoining owners prohibited. No lighting shall be installed in such a manner that it may be an annoyance to the owners of adjacent property. Under normal circumstances, floodlighting and the illumination of adjacent property, among other things, will be sufficient to constitute an annoyance.
- C. Safety restrictions. No pool shall be erected within 10 feet of existing electrical service lines, nor shall electrical lines be strung over the water surface nor within four feet of the outer edge of the pool.

**§ 203-10. Maintenance.**

Every swimming pool presently constructed or installed or hereafter constructed or installed shall be maintained at all times in such manner as never to constitute a public nuisance, a hazard or a menace to health or safety. Any such hazard which may exist or develop in or in consequence of or in connection with any such swimming pool shall be forthwith abated and/or removed by the person in possession, owning or having jurisdiction over such pool, upon receipt of notice from the Village.

**§ 203-11. Reasonable use.**

Use of a swimming pool shall be in a reasonable manner and at reasonable times so as not to cause undue discomfort and/or annoyance to adjacent residents.

**§ 203-12. Existing pools.**

All sections of this chapter shall apply to existing pools, except §§ 203-4A, 203-5, 203-6E, F and G and 203-9.

-----  
1. Editor's Note: Amended at the time of adoption of Code (see Ch. 1, General Provisions, Art. III).

**§ 203-13. Penalties for offenses.<sup>2</sup>**

A person who shall violate any provision of this chapter or fail to comply therewith or shall violate or fail to comply with any order or regulation made thereunder shall be guilty of a violation pursuant to the Penal Law. Any person violating any provision of this chapter shall be subject to a fine or penalty not to exceed \$250 or imprisonment for not to exceed 15 days, or both.

-----  
2. Editor's Note: Amended at the time of adoption of Code (see Ch. 1, General Provisions, Art. III).