

# Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE  
41 STATE STREET, ALBANY, NY 12231

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(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County  
City  
Town of South Floral Park  
Village

Local Law 3 of the year 2023

*(Insert Title)*

A local law authorizing the Village of South Floral Park to Amend the Village Code to add a new Chapter 180, "Swimming Pools," to regulate the installation and placement of swimming pools on private real property in the Village.

Be it enacted by the Board of Trustees of the  
*(Name of Legislative Body)*

County  
City  
Town of South Floral Park  
Village

Section 1. Legislative Findings. The Board of Trustees of the Village of South Floral Park has determined that the health, safety and welfare of the Village and its residents is served by enacting a local law that will amend the Village Code by adding thereto a new Chapter 180, to regulate the installation and location of swimming pools on private real property within the Village. The Board finds that the ability to install swimming pools as of right, without reasonable restrictions with respect to the placement of same on lots within the Village, as well as screening requirements, can adversely impact the use and enjoyment of neighboring parcels, thereby adversely impacting the value, use and enjoyment of properties within the Village.

Section 2. Authority. This local law is adopted pursuant to authority granted to the Board of Trustees under the New York State Constitution and the laws of the State of New York, including, without limitation, New York State Municipal Home Rule Law §10.1., sub-clauses (i) and (ii)a.

Section 3. Amendment of Village Code. The Code of the Village of South Floral Park, is hereby amended to include a new Chapter 180, "Swimming Pools," to be placed immediately after the end of existing Code Chapter 178, "Streets and Sidewalks," to read in its entirety as follows:

"Chapter 180 Swimming Pools.

§180.1 **Outdoor water pool.**

As used in this chapter, the term "outdoor water pool" shall mean any outdoor pool, tank, depression, excavation or structure of a permanent or portable nature which shall be utilized to retain water therein at a depth of 12 inches or more.

§180.2 **Permit required.**

Outdoor water pools may be installed on any premises within the Village, but no such pool shall be constructed, erected or maintained prior to obtaining a permit as provided for in this Chapter and unless such pool conforms to all other provisions of this Chapter.

§180.3 **Permit application; fees; contents.**

No outdoor water pool shall be constructed, erected or maintained unless a permit therefor shall have been issued by the Building Department of the Village. All applications for such a permit shall be made on forms provided by the Village and shall be accompanied by such fees and deposits are required pursuant to resolutions adopted from time to time by the Village Board of Trustees. The application shall illustrate the complete plans and specifications of the intended outdoor water pool, including but not limited to the materials of construction, the water supply and drainage system, the type, size and location of the fencing as required by the New York State Building Code, and an accurate survey, map or drawing showing the proposed location of the pool in relation to the boundary lines of the property on which the pool is to be located. Permits may be issued only upon application by the owner of the land or by his agent duly authorized in writing to make such application on the owner's behalf.

§180.4 **Factors to be considered.**

In determining any application for a permit the Building Inspector shall consider the size of the applicant's premises, the elevation of the surface thereof above mean sea level, the character of the neighborhood, the distance of the pool from abutting premises, the existence of other similar pools in the neighborhood, the location and nature of the proposed fencing and the location, nature and suitability of the water supply and drainage system, giving due consideration to the health, safety and general welfare of the Village and the abutting neighbors.

§180.5 **Construction and maintenance specifications.**

Each outdoor water pool shall be constructed, erected or maintained in accordance with the following:

A. It shall be built or constructed of material having adequate strength to safely retain the

water to be contained therein, and each pool shall be designed and built in accordance with sound engineering practices.

**B.** Such pool may be installed only in the rear yard area of the premises and not less than five feet from any property line or accessory structure and not less than ten feet from the dwelling. There Building Inspector shall inspect the premises prior to issuing any pool permit to determine if there are any overhead electric wires that can affect health, safety and welfare.

**C.** There shall be erected and maintained a good quality fence enclosing the entire pool area, in accordance with §180.10, “Swimming pool enclosures.”

**D.** Such pool shall not occupy more than 40% of the area of the rear yard, excluding garages or other accessory structures located in the rear yard area.

**E.** If the water for such pool is supplied from a private well, there shall be no cross-connection with a public supply system. If the water for such pool is supplied from the public water supply system, the inlet for such pool shall be above the overflow level of the pool.

**F.** The water used in such pool shall be chemically treated in a manner sufficient to maintain at all times the bacterial standards established by the provisions of the New York State Sanitary Code relating to public swimming pools.

#### §180.6 Lighting.

No light or lighting system shall be installed in connection with any outdoor water pool which will cause light rays or reflections to be thrown outside the property line of the premises.

#### §180.7 Drainage; pools on unoccupied premises.

**A.** All outdoor water pools shall be equipped with a drainage system so as to prevent the water therein from overflowing or draining onto any land other than the land upon which the pool is located.

**B.** Should the property or premises on which an outdoor water pool is located be unoccupied for a period greater than fourteen consecutive days, said pool must be drained or covered by the owner or occupant of the premises and remain empty or covered during such period.

#### §180.8 Approval required.

All building and construction carried on under this Chapter shall be subject to the final approval of the Building Inspector.

#### §180.9 Electrical and NYS Building Code requirements.

All pools must adhere to all New York State Building Code requirements. All pools must be grounded and filter pumps must be plugged into a dedicated GFI outlet with no extension cords allowed. An Electrical Inspection Certificate must be provided from a Village approved Electrical Agency prior to utilizing the pool for all pumps and heating equipment. All gas heating equipment must be applied for on a separate plumbing permit

application and must be approved by the Building Department prior to its installation.

§180.10 **Swimming pool enclosures.**

A. Outdoor swimming pools shall be provided with an enclosure which shall comply with the following:

- (1) Shall be not less than four feet nor more than six feet in height and have a maximum vertical clearance to grade of two inches;
- (2) Where a picket-type fence is provided, horizontal openings between pickets shall not exceed four inches;
- (3) Where a chain-link fence is provided, the openings between links shall not exceed 2 3/8 inches;
- (4) Enclosures shall be constructed so as not to provide footholds;
- (5) Pickets and chain-link twists shall extend above the uppermost horizontal bar;
- (6) Such enclosure shall have railings and posts within the enclosure which shall be capable of resisting a minimum lateral load of 150 pounds applied midway between posts and at top of posts, respectively. Enclosures, fence material or fabric shall be capable of withstanding a concentrated lateral load of 50 pounds applied anywhere between supports on an area 12 inches square, without failure or permanent deformation. Gates provided in the enclosure shall be self-closing and self-latching with the latch handle located within the enclosure and at least 40 inches above grade; and all gates shall swing out toward the street or property frontage.
- (7) A wall of a dwelling is permitted to serve as part of the enclosure. However, if the dwelling is being utilized as a part of the necessary enclosure or there is access to the pool from the dwelling, a swimming pool alarm must be installed and maintained.

**B. Exemptions.**

- (1) A pool less than 12 inches deep is exempt from the requirements of Subsection A of this section.

§180.11 **Noncompliance.**

If, at any time after construction of the pool and its appurtenances as specified in this Chapter, it appears that any of the provisions contained herein are not being complied with, the Building Department shall immediately notify the owner or occupant of the premises of the nature of the noncompliance and shall direct said owner or occupant to correct the noncomplying condition. The Building Inspector or the Board of Trustees may also take whatever additional steps they deem necessary and reasonable to ensure the health, safety and general welfare of the community until such time as the specified condition is corrected.

§180.12 **Penalties for offenses.**

Any person committing an offense against any provision of this chapter shall, upon conviction thereof, be guilty of a violation pursuant to the Penal Law of the State of New York, punishable by a fine not exceeding \$250 or by imprisonment for a term

not exceeding 15 days, or by both such fine and imprisonment. The continuation of an offense against the provisions of this chapter shall constitute, for each day the offense is continued, a separate and distinct offense hereunder.”

Section 4. Effective Date. This local law shall take effect immediately upon filing with the Secretary of State.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 3 of 2023 of the (County)(City)(Town)(Village) of South Floral Park was duly passed by the Board of Trustees on March 2, 2023, in accordance with the applicable provisions of law.  
(Name of Legislative body)

~~2. (Passage by local legislative body with approval, no disapproval or re-passage after disapproval by the Elective Chief Executive Officer<sup>1</sup>.)~~

~~I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved) (not approved)  
(Name of Legislative body)  
(re-passed after disapproval) by the \_\_\_\_\_ and was deemed duly adopted on \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.  
(Elective Chief Executive Officer<sup>1</sup>)~~

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_  
(Name of Legislative Body)  
and was (approved)(not approved) (re-passed after disapproval) by the \_\_\_\_\_ (Elective Chief Executive Officer<sup>1</sup>)  
on \_\_\_\_\_ 20\_\_\_\_. Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general) (special) (annual) election held on \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (Name of Legislative Body)  
(approved)(not approved) (re-passed after disapproval) by the \_\_\_\_\_ (Elective Chief Executive Officer<sup>1</sup>) on \_\_\_\_\_ 20\_\_\_\_.  
Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.

<sup>1</sup> Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. ~~(City local law concerning Charter revision proposed by petition.)~~

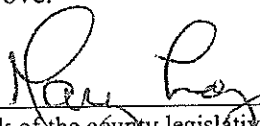
I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_ of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on \_\_\_\_\_ 20\_\_\_\_, became operative.

6. ~~(County local law concerning adoption of Charter.)~~

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the County of \_\_\_\_\_ State of New York, having been submitted to the electors at the General Election of November \_\_\_\_\_ 20\_\_\_\_, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1 , above.



\_\_\_\_\_  
Clerk of the county legislative body, City,  
Town or Village Clerk or officer designated  
by local legislative body  
MARY LONG

Date: 3/10/23

(Seal)

