

**BOROUGH OF CAPE MAY POINT  
COUNTY OF CAPE MAY  
STATE OF NEW JERSEY**

**ORDINANCE NO. 11-2020**

**AN ORDINANCE AMENDING THE BOROUGH CODE BY ADDING  
NEW CHAPTER 108 (“MAINTENANCE REQUIREMENTS FOR  
EXISTING NONCONFORMING SWIMMING POOLS AND SPAS”)**

**WHEREAS**, the Board of Commissioners of the Borough of Cape May Point is simultaneously with this amendment amending Chapter 150 of the Borough Code to make swimming pools and spas prohibited uses;

**WHEREAS**, there are currently a number of pools constructed or permitted which will become nonconforming upon adoption of the aforesaid amendment to Chapter 150;

**WHEREAS**, the Board of Commissioners finds that it is necessary to establish standards for the maintenance of existing pools as well as the discharge or backwash of pool or spa water in order to prevent environmental degradation of Lake Lily, damage to the Borough’s storm water collection system as well as unsightly and annoying conditions to neighboring property owners and/or their tenants;

**NOW THEREFORE BE IT ORDAINED** by the Board of Commissioners of the Borough of Cape May Point that the Borough Code is hereby amended to add new Chapter 108 as follows:

**SECTION 1**

**Chapter 108**

**MAINTENANCE REQUIREMENTS FOR  
EXISTING SWIMMING POOLS AND SPAS**

**§108-1. POOL MAINTENANCE; DISCHARGES.**

- a. Disinfection: Equipment shall be provided for the disinfection of all pool water. The disinfectant shall be introduced into the re-circulation system ahead of the filters.
- b. Absolutely no discharge of any pool or spa shall be made into the Borough sanitary system or into the Borough storm water collection system or into the ground. All discharges shall be made into a State of New Jersey Department of Environmental Protection approved sewage sanitation truck and removed from the site. Violations of this subsection shall subject such

violator to the penalty provisions of this Chapter. For the purpose of this Chapter, "discharge" shall mean and include the removal or emptying of any pool or spa, either completely or partially, of water that has been or is likely to have been treated with chemicals.

#### **§108-2. OTHER PROHIBITED ACTIONS.**

- a. Any person who discharges, causes a discharge, or otherwise allows or permits an improper discharge into the Borough's Sanitary Sewer System or into the Borough's storm water collection system or into the ground engages in conduct that constitutes an imminent threat to the public health and safety and, in addition, such conduct constitutes a public nuisance.
- b. The Code Enforcement Official, the Borough Engineer, or the Director of Public Works, or his designee, shall be authorized to issue a STOP WORK ORDER which shall operate as follows:
  1. All work of an improper or illegal nature such as to violate any ordinance, or any law or regulation of any State or Federal agency or which constitutes a nuisance or causes any unsafe, hazardous or other condition which poses a threat to public health or safety immediately cease.
  2. All activity contributing to or causing the issuance of the STOP WORK ORDER shall not be resumed until such time as a corrective action plan is submitted to and approved by the Code Enforcement Official, the Borough Engineer or the Director of Public Works or his designee shall not be construed as in any way affecting the authority conferred upon the Construction Official under the Uniform Construction Code, and the regulations promulgated thereunder.

#### **§ 108-3. ENFORCEMENT.**

This section shall be enforced by any of the following:

Borough Engineer  
Code Enforcement Official  
Director of Public Works and/or his designee  
Police Department officers and members  
Cape May County Department of Health  
Such other officer or official so authorized by law.

#### **§108-4. VIOLATIONS AND PENALTY.**

Any person violating any of the provisions of this section shall, upon conviction, be subject to one or more of the following:

- a. For a First Offense.
  1. A fine in the minimum amount of \$100 not to exceed the sum of one thousand (\$1,000) dollars; and/or;
  2. Incarceration for a term not to exceed ninety (90) days; and/or
  3. A. Period of community service for a period not exceeding ninety (90) days.
- b. For a Second or subsequent Offense:
  1. A fine in the minimum amount of one hundred (\$100) dollars and not to exceed the sum of two thousand (\$2,000) dollars;
  2. Incarceration for a term not to exceed ninety (90) days; and/or
  3. By a period of community service for a period not exceeding ninety (90) days.

#### **108.5. VIOLATIONS OCCURRING WITHIN ONE YEAR.**

Any person convicted of violating this section within one year of the date of a previous violation and who was fined for the previous violation, shall be sentenced by the Court to an additional fine as a repeat offender. The additional fine imposed by the Court upon a person for a repeated offense shall not be less than the minimum or exceed the maximum fine fixed for a violation of the section, but shall be calculated separately from the fine imposed for the violation of the section. (See N.J.S.A. 40:49-5)

#### **SECTION 2**

All ordinances inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

#### **SECTION 3**

Should any provision of this ordinance be deemed invalid for any reason that invalidity shall not affect the remaining provisions of the ordinance, and the provisions and sections of the ordinance are hereby declared to be severable with respect to their validity.

#### **SECTION 4**

This ordinance shall take effect twenty (20) days after final passage, according to law.

<b>Final Adoption Vote</b>	<b>MOTION</b>	<b>SECOND</b>	<b>YES</b>	<b>NO</b>	<b>ABSTAIN</b>	<b>ABSENT</b>
Mullock						
vanHeeswyk						
Moffatt						

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Robert Mullock, Commissioner

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Anita vanHeeswyk, Commissioner

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Robert Moffatt, Mayor

ATTEST:

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Elaine L. Wallace, Borough Clerk

FIRST READING: October 8, 2020

PUBLICATION: October 14, 2020

PUBLIC HEARING: November 12, 2020

PUBLICATION: November 18, 2020