



# MONMOUTH COUNTY REGIONAL HEALTH COMMISSION NO. 1

## CHAPTER 4

### Public Recreational Bathing, Sanitary Code

#### 4-1 **Establishing and Adopting a Swimming Pool Code**

**Editor's note:** Prior ordinances codified herein include versions of Ordinance No.3, original version published July 1983, and later adopted into the "Public Recreational Bathing NJ State Sanitary Code" on January 2018.

##### 4-1.1 **Definitions**

- a. *Swimming pool.* The term "swimming pool" shall mean a watertight structure of concrete, masonry, or other approved materials, located either indoors or outdoors, used for bathing, wading, or swimming and filled with a filtered and disinfected water supply, together with buildings, appurtenances, and equipment used in connection therewith.

##### 4-1.2 **Adoption by Reference**

A code establishing a swimming pool code is hereby adopted pursuant to Revised Statutes 26:3-69.1 to 69.6 and Revised Statutes 26:3-92 and 26:3-93. A copy of the said Code is annexed hereto and made a part hereof without the inclusion of the text thereof herein set forth.

##### 4-1.3 **Title of Code**

The said Code hereby established and adopted by this Ordinance is commonly known as the "Swimming Pool Code of New Jersey – 1970".

##### 4-1.4 **Public Record**

Three copies of the said "Swimming Pool Code of New Jersey 1970", have been placed on file in the office of the Health Officer and Secretary of this Regional Health Commission upon the introduction of this Ordinance and will remain on file there until final action is taken on this Ordinance for the use and examination of the public.

## 4-2 **Enforcing Officials**

The said Regional Commission, and its agents, or employees including but not limited to, its Health Officer, shall have the right of entry, at any reasonable hour, into and upon any public, or private building or premises for the purpose of enforcing the provisions of such Code and of this Ordinance, or determining whether such provisions or the rules and regulations of this Regional Commission are being complied with and obeyed. No person shall oppose such entry, or hinder, or interfere with this Regional Commission or any of its agents, or employees, or Health Officer, all as aforesaid, in the performance of their duties.

### 4-2.1 **Enforcing Health Department**

This Ordinance may be enforced by and in the name of this Regional Health Commission by proceedings instituted and prosecuted in a court having jurisdiction of such proceedings in the Region.

## 4-3 **General Penalties; Continuing Violations**

### 4-3.1 **Violations and Penalties**

Any person who violates any provision of this Ordinance or Code established and adopted herein, shall, upon conviction thereof, be liable to a penalty of not less than Five Dollars (\$5.00) nor more than Five Hundred Dollars (\$500.00) for each violation, and each day a particular violation continues shall constitute a separate offense. Upon refusal or neglect, upon and after conviction, to pay the amount of said penalty or fine, the person so convicted shall be subject to be committed to the County Jail for a period not exceeding ninety (90) days, all in the discretion of the Municipal Magistrate or other officer before whom the complaint shall be brought.

### 4-3.2 **Violation of State Law**

In the event that any violation of this Code shall also be a violation of a New Jersey State Law, for which a greater penalty is provided than that contained in the aforesaid Code and this Ordinance, the Municipal Magistrate, before whom the complaint is brought, based upon such violation, shall in his discretion, have the right to impose, in the place and in lieu of any penalty provided for herein, that is so provided for in the New Jersey State Law which has been so violated.

## 4-4 **Unlawfulness**

Every act in such Code or this Ordinance designated as being unlawful is hereby prohibited and every act herein expressly prohibited, is hereby designated as being unlawful.

4-5 **Repealer**

All Ordinances, Codes, or parts of same, inconsistent with any of the provisions of this Ordinance and the Code hereby established and adopted hereunder are hereby repealed to the extent of such inconsistency.

4-6 **Severability**

In the event that any section, sentence or clause of this Ordinance or Code shall be declared unconstitutional by a court of competent jurisdiction, such declaration shall not in any manner prejudice the enforcement of the remaining provisions.

4-7 **Effective Date**

This Ordinance and the Code herein established and adopted shall take effect thirty (30) days after the date of the first publication hereof. Original Adoption: July 27, 1983

<b>Ordinance History</b>	<b>Date Adopted</b>
"Public Recreational Bathing NJ State Sanitary Code" N.J.A.C. 8:26	January 16, 2018
Chapter 4. Public Recreational Bathing, Sanitary Code	June 25, 2019