

**BOROUGH OF INTERLAKEN
NOTICE OF PENDING ORDINANCE**

The Ordinance published herewith was introduced and passed upon first reading at a meeting of the Governing Body of the Borough of Interlaken, in the County of Monmouth, New Jersey, held on April 15, 2026. It will be further considered for final passage after public hearing thereon, at a meeting of said Governing Body to be held at the Interlaken Borough Hall, 100 Grasmere Avenue, Interlaken, New Jersey, on May 20, 2026 at 7:30 p.m., or soon thereafter as said matter can be reached, at which time and place all persons who may be interested therein will be given an opportunity to be heard concerning same.

A copy of this Ordinance has been posted on the bulletin board upon which public notices are customarily posted in the Borough Hall of the Borough of Interlaken during the week prior to and including the date of such meeting; copies of the Ordinance are available to the general public of the Borough who shall request such copies at the office of the Borough Clerk in said Borough of Interlaken, in the County of Monmouth, State of New Jersey.

**AN ORDINANCE OF THE BOROUGH OF
INTERLAKEN AMENDING AND
SUPPLEMENTING CHAPTER XIII "SWIMMING
POOLS"
TO
"SWIMMING POOLS AND
HOT TUBS"**

BE IT ORDAINED by the Borough Council of the Borough of Interlaken, in the County of Monmouth and State of New Jersey that:

SECTION ONE. Chapter XIII "SWIMMING POOLS" of the Code of the Borough of Interlaken is amended to "**SWIMMING POOLS AND HOT TUBS**" and supplemented as follows:

13-1 DEFINITIONS.

As used in this section:

Above ground swimming pool means pool structure that sits directly on or above the ground that is not a hot tub.

Hot Tub means a large tub, designed to accommodate several people, that is filled with hot aerated water and may be equipped with a thermostat and whirlpool.

Materials shall mean the materials used in construction, such as steel, glass, concrete, plastics, etc.

Plan or sketch shall mean a blueprint or drawing prepared by a licensed land surveyor or engineer of the State of New Jersey, or a plan or sketch provided by the Construction Official, showing the proposed location of the swimming pool **or hot tub**, relative to property and building lines, the sanitary disposal field or fields, the materials used in construction and the plumbing and safety features. Details of the proposed swimming pool **or hot tub** and other specific location must be indicated by line drawings, and written details in foot and inch measurements.

Plumbing shall mean facilities for filling and emptying the **swimming pool or hot tub**.

Property and building lines. Property lines shall mean surveyed legal boundaries of the premises as to which the application is made. The building lines shall mean the plain outline of the shape of any building, on such premises, the outlines of the **swimming pool or hot tub** and their placement in relation to the property lines. Also, if appropriate, the building line established by ordinance.

Safety features shall mean and include fencing around the **swimming pool or hot tub** site, the entrance to the **swimming pool or hot tub** and locks in connection with same, filtering of the water, the cover of the **swimming pool or hot tub** and hygiene equipment.

Swimming pool or hot tub shall mean any **swimming pool or hot tub** artificially constructed, any part of which is more than eighteen (18) inches in depth designed, used, and maintained for swimming and bathing purposes by an individual for use by members of his or her household and guests located on a lot as an accessory use to a conforming

use, as now, or hereafter zoned. **Swimming pool or hot tub** equipment shall meet location and setback requirements for accessory structures.

13-2 CONSTRUCTION PERMIT.

13-2.1 Required.

a. No swimming pool **or hot tub** shall be constructed within the Borough of Interlaken unless the owner, or the person in possession of the lands on which the swimming pool **or hot tub** is to be constructed shall first obtain from the Construction Official, prior to the commencement of construction, a construction permit therefor. (Ord. No. 94 § 1)

b. Hot tubs are permitted in the rear yard on an existing raised porch or patio, as long as all other ordinance conditions are met, including a ten (10) foot separation from any structure or property line.

c. No above ground swimming pools are permitted in the Borough.

13-2.2 Application for Zoning Permit; Fee; Content.

See Chapter X, Building and Construction, for fees for a construction permit.

The application for approval shall be submitted in writing to the Zoning Official together with a plan or sketch and a verified statement as to the cost of the construction of the **swimming pool or hot tub**. Zoning application fee shall be twenty-five (\$25.00) dollars.

b. Escrow fee shall be **five-hundred dollars (\$500.00)** for engineering review for ordinance compliance.

c. A permit is required for all private swimming pools or hot tubs. The application for such permit shall be accompanied by plans and specifications prepared by a duly licensed engineer in the State of New Jersey, together with the required fee. The following is required for the issuance of a permit or variance:

1. Applicant must submit a grading and drainage plan prepared, signed and sealed by a Professional Engineer, licensed in the State of New Jersey.
2. Proposed grading must ensure surface runoff will have no impact on adjacent properties.
3. Lighting and illumination plan must be submitted. All illumination used in connection with any **swimming pool or hot tub** shall be directed and shielded so as to avoid annoyance or nuisance to the occupants of adjacent and neighboring properties and shall be subject to the approval of the Zoning Officer and/or the Planning Board.
4. Fountains, waterfalls or jet propulsion systems, other than as needed for filtering, are not permitted.
5. (a) A full depth soil boring, soil log, soil analysis and groundwater analysis, including establishment of depth to the seasonal high groundwater table shall be provided with any residential **swimming pool or hot tub** permit application.

(b) Bottom elevation of **swimming pool or hot tub** structure shall not be less than two (2) feet above the seasonal high groundwater elevation.

(c) A Request for Authorization must be made to the NJDEP for any construction dewatering. A

copy of such request shall be copied to the Borough of Interlaken and presented with the request for permit.

13-2.3 Issuance by Construction Official.

The Construction Official, upon receipt of a proper application, and after examination thereof and inspection of the proposed location, if satisfied that all requirements under this section will be satisfactorily met, shall issue a construction permit for such **swimming pool or hot tub**. (Ord. No. 9462)

13-3 CONSTRUCTION AND MAINTENANCE STANDARDS.

13-3.1 Location.

All swimming pools **or hot tubs** shall be located in the rear yard area of the property.

13-3.2 Square Footage.

No swimming pool shall occupy more than eight hundred (800) square feet as measured along the surface of the water. **No hot tub shall occupy more than one hundred (100) square feet as measured along the surface of the water for a hot tub.**

13-3.3 Bottom Elevation.

Bottom elevation of the **swimming pool or hot tub** structure shall not be less than two (2) feet above the seasonal high groundwater elevation.

13-3.4 Relation to Building Line.

No portion of a swimming pool **or hot tub** shall be closer than ten (10) feet to a property's building line or any structure located on the premises.

13-3.5 Lighting.

Swimming pools **or hot tubs** may be constructed with underwater lighting systems or exterior lights or both, provided that all exterior lights are located so that the light is directed or shaded in such a manner that no direct rays of light there from fall more than three (3) feet upon any adjacent lots, and such light is neither directed nor reflected in such way as to cause a nuisance or annoyance to neighboring properties. All swimming pool **or hot tub** lighting shall be in conformance with State Electrical Codes.

13-3.6 Fencing.

A good quality fence, which is no less than fifty (50%) percent open, shall enclose such **swimming pool or hot tub** at least four (4) feet in height. The fence shall be in compliance with the Swimming Pool Code of New Jersey, including being equipped with a gate or gates of the same height as the fence and equipped with a self-locking device.

Swimming pools **or hot tubs** shall be completely surrounded by protective fencing with a minimum of four (4) feet in height, but no more than six (6) feet in height, which fencing shall include self-closing and self-latching gates. If **swimming pool or hot tub** fencing exceeds four (4) feet in height, it shall be set back from the rear lot line at least five (5) feet, and bounded by the side building lines. Such fences shall be suitably landscaped to minimize the visual impact on adjacent residential uses.

No **swimming pool or hot tub** fence shall remain open, unlocked or unlatched, except when said **swimming pool or hot tub** is in use.

13-3.7 Sound.

No sound amplifying systems shall be permitted in

connection with a swimming pool or hot tub.

13-3.8 Discharge System.

No swimming pool or hot tub shall be drained into or cause to be overflowed into the municipal sanitary sewer system or into the public streets of the municipality. No swimming pool or hot tub filter system shall be connected in any manner with the municipal sanitary sewer system.

13-3.9 Drainage.

Swimming pools or hot tubs shall be constructed with an adequate system for surface disposal by absorption upon the property of the owner, without drainage onto any adjoining property. No such system shall be permitted to allow drainage to pump back into the ground by a system through lines other than the source of supply, or connected with the storm sewer system, if an underground system must be constructed on site to control runoff.

13-3.10 Accessory Use; Setbacks.

No swimming pool or hot tub shall be constructed except as an accessory use to a dwelling on the same lot. The vertical walls of the swimming pool or hot tub shall not be nearer to any street than that which is permitted by the relevant setback requirements as per the Borough's ordinance.

No swimming pool or hot tub shall be constructed within ten (10) feet of any rear or side property lot line or any existing structure. No pool or hot tub shall be constructed such that the proposed grade of the property is raised more than twelve (12) inches higher than the existing unaltered ground elevation.

13-3.11 Cover; Swimming Pool or Hot Tub Fill.

No swimming pool or hot tub shall remain with water therein or without an adequate and safe cover for a period in excess of thirty (30) days, unless the dwelling house, to which it is an accessory use, is occupied.

13-3.12 Construction; Freehold Soil Conservation District Requirements.

Construction activities shall be undertaken in accord with all governmental agencies including, but not limited to, the regulatory requirements of the Freehold Soil Conservation District which include, but are not limited to, the following: Stone Tracking Pad; Perimeter Silt Fence; Hay Bale Inlet Protection; Zero Silt Runoff from Residential Property; No Off-Site Discharge of Construction Dewatering Activities.

13-3.13 Certificate of Occupancy; Surveys.

No Certificate of Occupancy shall be issued by the Construction Officer until endorsed by the Zoning Officer certifying that the completed construction and development complies with the requirements of this chapter. Prior to such endorsement, the Zoning Officer shall have been provided by the owner at the time of inspection, three (3) raised seal "As Built" surveys. These surveys shall clearly show all work done and the Zoning Officer at his discretion may require additional surveys.

13-3.14 Swimming Pool Code of New Jersey; application of.

The construction, maintenance and operation of all swimming pools **and hot tubs** shall be in accordance with the current issue of the Swimming Pool Code of New Jersey promulgated by the New Jersey Department of Health, except where said code differs in any respect from the provision of this subsection. In such event the more restrictive provisions shall control.

13-3.15 Existing Swimming Pools **and Hot Tubs** to Comply.

All swimming pools **and hot tubs** existing at the time of the passage of "this section shall be made to conform to provisions of this chapter. (Ord. No. 94 § 10; Ord. No. 159 § 4)

13-4 ENFORCEMENT; VIOLATIONS.

13-4.1 Enforcement; Inspections.

The Construction Official, the Health Officer and the Police shall have the power to inspect and reinspect the premises upon which any swimming pool **or hot tub** exists, and to advise and make complaints for any violation hereunder. (Ord. No. 94 § 13; Ord. No. 2010-5)

a. Every private swimming pool **or hot tub** constructed, installed, and maintained in the Borough shall, at all times comply with any and all governmental regulations including, but not limited to, all State and local Health Codes. Any nuisance or hazard to health that may exist or develop in or in consequence of or, in connection with any such private swimming pool **or hot tub** shall be forthwith abated and removed by the owner, lessees or occupant of the premises on which the **swimming pool or hot tub** is located, upon receipt of notice from the Code Enforcement Officer of the Borough.

b. It shall be the duty of the Code Enforcement Officer to enforce the provisions of this subsection. All complaints shall be filed with the Code Enforcement Officer.

c. The owner of any swimming pool **or hot tub** within the Borough shall allow the Code Enforcement Officer, Construction Official or other authorized municipal official access to any swimming pool **or hot tub** and appurtenances thereto for the purpose of inspection to ascertain compliance with this subsection and all other pertinent Borough ordinances, at all reasonable times.

13-4.2 Penalties.

a. Any person who violates or causes, suffers or

permits the violation of any provision of this chapter shall, upon conviction, be liable to the penalty stated in Chapter I, Section 1-5. Each day that a violation is permitted to exist or continue to occur shall constitute a separate offense.

b. Upon a conviction, subsequent to the first conviction, of a violation of any of the provisions of this chapter, the Judge of the Municipal Court shall have the power to direct the owner or person in control of the premises where the **swimming pool or hot tub** exists and where the violation occurred, remove and dismantle such swimming pool **or hot tub** within sixty (60) days and to cause any excavation to be filled and the ground made level.

(Ord. No. 94 §§ 14, 15; New)

SECTION TWO. If any section, subsection, paragraph, sentence or other portion of this Ordinance be adjudged by a Court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance.

SECTION THREE. All ordinances or parts thereof inconsistent with the provisions of this Ordinance are hereby replaced to the extent of such inconsistencies.

SECTION FOUR. This Ordinance shall take effect immediately upon its final passage and publication according to law.

SECTION FIVE. Copies of this Ordinance upon adoption shall be forwarded to:

a. General Code