

**CITY OF TONAWANDA – ZONING ORDINANCE  
ARTICLE 9. SWIMMING POOLS**

**Sec. 82-411. Classifications.**

Pools shall be classified as follows:

- (1) **Wading pools.** A wading pool is any pool not having a water depth exceeding 18 inches.
- (2) **Swimming pools.** A swimming pool is any pool having a water depth exceeding 18 inches.
- (3) **Private pools.** A pool located on the property belonging to a single-family or a two-family dwelling and for the exclusive use of the occupants thereof and their families and guests shall be classified as a private pool.
- (4) **Public pools.** All other pools shall be classified as public pools.

**Sec. 82-412. Nonconformities prohibited.**

The provisions of article 2, division 2 of this chapter do not apply to this article.

**Sec. 82-413. Permit required prior to construction.**

All those persons desirous of constructing a pool, which pool would be governed by this article, must apply for and obtain a permit prior to commencing construction of the pool.

**Sec. 82-414. Permits for private pools.**

- (a) All owners of private swimming pools in the city must apply for a permit for the pool, whether the pool is existing or to be built.
- (b) Owners of preexisting pools will be issued permits if the swimming pool is in substantial compliance with this article.

**Sec. 82-415. Building permit.**

- (a) **Required.** All private swimming pools in the city over 300 cubic feet in capacity moved, erected, constructed or excavated, either above, below or partly above and below grade level, shall require a building permit.
- (b) **Application and plans.** Building permit applications shall be made to the building inspector accompanied by one complete set of plot plans showing all lot lines, existing structures and yard measurements, drawn accurately to scale.
- (c) **Fee.** Each permit shall be accompanied by the required fee.

**Sec. 82-416. Accessory structures.**

A pumphouse, filter house or structure erected in connection with any swimming pool shall require a building permit and shall comply with chapter 14 and this chapter.

**Sec. 82-417. Fencing or other enclosure.**

All swimming pools within the city must be enclosed by a fence or other approved barrier not less than four feet and not more than five feet in height, except that a six-foot fence may be erected in a rear yard when permitted by this chapter.

**Sec. 82-418. Electrical equipment.**

All electric equipment, including power supply cords, used with storable pools shall be protected by ground fault circuit interrupters.

**Sec. 82-419. Plumbing and drainage.**

- (a) **Generally.** All plumbing and drainage connected with a swimming pool shall comply with chapter 14, article 4 and shall require a plumbing permit. For purposes of interpretation, the water supply system is a part of the main dwelling's water service, and the drainage system of private swimming pools shall be part of the main dwelling's drainage system when available; otherwise the pool must be drained in a manner such that the drainage will not flow onto adjacent property.
- (b) **Application for plumbing permit.** A plumbing permit application shall be accompanied by:
  - (1) The appropriate fee as set forth in chapter 14, article 4.
  - (2) Two complete detailed drawings showing the filling or feed system, filtration and/or purifying system and drainage system.
- (c) **Drain for excavated pools.** All excavated pools of 1,500 cubic feet in capacity and larger shall have a drain, and each drain shall be covered by a grate four times the area of the drainpipe. The grate shall be removable only by the use of a hand tool.
- (d) **Inlet feed pipes.** All inlet feed pipes shall be the over rim fill type and shall be at a minimum height of six inches above the overflow level of water (six-inch minimum air gap).

**Sec. 82-420. Noise.**

The use of megaphones, loudspeakers and public address systems shall be prohibited in connection with any swimming pool, and the use of any sound producing or reproducing device, including the human voice, shall comply with the provisions of chapter 26, article 4.

**Sec. 82-421. Setbacks; separation from dwellings; maximum size.**

A swimming pool shall not be erected nearer than six feet from the rear or side property line of the premises and six feet from any dwelling, and shall not occupy more than ten percent of the total area of the premises.