

**TOWN OF MOREAU
PROPOSED LOCAL LAW NO. 5 OF 2026
REPEALING AND REPLACING CHAPTER 127 OF THE MOREAU TOWN CODE
REGULATING SWIMMING POOLS**

Be it Enacted by the Moreau Town Board as Follows:

Section 1. Authority.

This Local Law repealing and replacing Chapter 127 of the Moreau Town Code is adopted pursuant to Section 10 of the New York State Municipal Home Rule Law.

Section 2. Purpose.

Chapter 127 of the Town Code established standards for the installation, construction and maintenance of swimming pools. Since the adoption of chapter 127 in 1973, and last amendment in 1976, the State of New York has adopted standards for swimming pools set forth in the New York State Uniform Fire Prevention and Building Code. The purpose of this Local Law is to modernize the Town's approach to regulating swimming pools consistent with such Uniform Code.

Section 3. Repeal and replacement of Town Code Chapter 127.

Chapter 127 of the Town Code is repealed, and a new Chapter 127 is added to read as follows:

§ 127-1. Title; purpose; applicability.

- A. Title. This chapter shall be known and may be cited as the "Town of Moreau Swimming Pool Law."
- B. Purpose. This chapter establishes local requirements for the installation, construction, enlargement, substantial modification, location, operation, and maintenance of swimming pools, spas, and hot tubs and their associated barriers, safety devices, structures, equipment, water connections, drainage, and lighting.
- C. Applicability. This chapter applies to all swimming pools and supplements Chapter 74, Administration and Enforcement of New York State Uniform Fire Prevention and Building Code; Chapter 70, Fences; Chapter 78, Flood Damage Prevention; Chapter 82, Freshwater Wetlands; Chapter 84, Illicit Discharges, Activities and Connections; Chapter 100, Noise; Chapter 120, Stormwater Management and Erosion and Sediment Control; Chapter 145, Water; Chapter 149, Zoning; and all other

applicable provisions of the Moreau Town Code.

- D. Uniform Code controls. Nothing in this chapter authorizes work or a condition that does not comply with the New York State Uniform Fire Prevention and Building Code, the New York State Energy Conservation Construction Code, the New York State Sanitary Code, or other applicable State or federal law and regulations. An irreconcilable conflict between this Chapter and State law or regulations shall be resolved in favor of State law and regulations unless a more restrictive local construction standard has become effective in accordance with Executive Law § 379 or Energy Law § 11-109.

§ 127-2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated. Terms not defined in this chapter shall have the meanings assigned by the New York State Uniform Fire Prevention and Building Code, the New York State Energy Conservation Construction Code, or Chapters 74 or 149 of the Town Code, as applicable.

APPROVED - Acceptable to the Code Enforcement Officer because it complies with applicable law, adopted standards, and recognized safety practice.

CODE ENFORCEMENT OFFICER - The Building Inspector, Code Enforcement Officer, or other official or authorized designee charged with administration and enforcement under Chapter 74.

ENERGY CODE – The New York State Energy Conservation Construction Code, as amended from time to time.

PERMANENT BARRIER - A fence, wall, building wall, or combination thereof that permanently restricts access to a swimming pool, spa, or hot tub and complies with the New York State Uniform Fire Prevention and Building Code.

POOL EQUIPMENT - Pumps, filters, heaters, chemical-treatment equipment, piping, controls, electrical equipment, generators, and other equipment serving a swimming pool, spa, or hot tub.

PUBLIC SWIMMING POOL - A swimming pool subject to Article 13 of the Public Health Law or 10 NYCRR Subpart 6-1, or any successor provision.

SAFETY COVER - A manually or power-operated cover that complies with the New York State Uniform Fire Prevention and Building Code and the applicable referenced standard for swimming-pool, spa, and hot-tub safety covers.

SPA OR HOT TUB - A hydrotherapy, recreational, or therapeutic vessel meeting the

applicable definition in the New York State Uniform Fire Prevention and Building Code, whether installed in-ground, aboveground, indoors, or outdoors.

SUBSTANTIAL MODIFICATION - A modification that is treated as substantial under the New York State Uniform Fire Prevention and Building Code or that requires compliance with current pool-safety provisions under applicable State law.

SWIMMING POOL OR POOL - Any structure intended for swimming, recreational bathing, or wading that contains, is designed to contain, or is capable of containing water more than 24 inches deep at any point, including in-ground, aboveground, on-ground, and indoor pools and, where the context requires, spas and hot tubs.

TEMPORARY BARRIER - A barrier installed during construction or installation that restricts access to a swimming pool and complies with the New York State Uniform Fire Prevention and Building Code.

UNIFORM CODE - The New York State Uniform Fire Prevention and Building Code, as amended from time to time.

§ 127-3. Permit required; application for permit.

- A. Permit required. No person shall construct, install, enlarge, substantially modify, or relocate a swimming pool, spa, or hot tub, or perform associated work requiring a permit, without first obtaining all permits required by Chapter 74, the Uniform Code, this chapter, and other applicable law and paying the fees established by resolution of the Town Board.
- B. Related work. Separate or additional permits and approvals shall be obtained for electrical, plumbing, mechanical, fuel-gas, structural, grading, drainage, accessory-structure, zoning, public-health, or other work when required.
- C. Application. An application shall be made by the property owner or an authorized agent on forms prescribed by the Town and shall include construction documents and information sufficient to demonstrate compliance. The Code Enforcement Officer may require the documents to be prepared, signed, or sealed by a New York State registered architect, professional engineer, or land surveyor when required by law or reasonably necessary for review.
- D. The application and accompanying plans shall identify, as applicable:
 - (1) The complete lot; property lines; street lines; zoning district; required yards and setbacks; and the proposed pool's dimensions, depth, type, and location.
 - (2) Existing and proposed buildings, decks, platforms, fences, retaining walls, accessory structures, pool equipment, and impervious surfaces.

- (3) Wells, septic tanks, absorption fields, water and sewer lines, easements, overhead and underground utilities, wetlands, watercourses, flood-hazard areas, and other site constraints.
 - (4) Permanent and temporary barriers; gates and latches; building-wall openings; ladders and steps; pool, door, and gate alarms; safety covers; and entrapment-protection devices.
 - (5) Electrical service, wiring, equipment, clearances, bonding, and grounding; plumbing and backflow protection; heaters and fuel-gas equipment; circulation, filtration, and sanitation equipment; and manufacturer installation instructions.
 - (6) The proposed source of fill water and the method and location of pool drainage, backwash, dewatering, and discharge.
 - (7) Proposed exterior lighting and any measures needed to control glare, noise, and vibration.
 - (8) Any other information reasonably required by the Code Enforcement Officer to determine compliance.
- E. Plan changes. Work shall conform to the approved construction documents. A material change shall not be made until revised documents have been submitted to and approved by the Code Enforcement Officer.
- F. Permit expiration and inspections. Permit duration, required inspections, stop-work authority, certificates, and permit suspension or revocation shall be governed by Chapter 74 and the Uniform Code.

127-4. Location requirements.

- A. Yard location. A swimming pool shall be located only in a rear yard or interior side yard unless another location is expressly permitted by Chapter 149 or an approval lawfully issued under that chapter. A pool and its required barrier shall not be located nearer to a street line than the principal building to which the pool is accessory, except as otherwise specifically authorized by Chapter 149. Corner lots shall comply with all applicable street-yard and sight-distance requirements.
- B. Pool setback. The exterior wall of a swimming pool shall be at least 10 feet from every side and rear lot line, or farther where required by Chapter 149, an approved site plan, subdivision plat, variance, easement, or other applicable restriction.
- C. Decks and structures. A deck, platform, pump house, filter house, equipment enclosure, and other accessory structure shall comply with Chapter 149 and shall be at least 10 feet from side and rear lot lines unless Chapter 149 expressly permits a

lesser distance. Guards and railings required solely for safety shall be located as approved under the Uniform Code.

- D. Equipment. Pool equipment shall be at least 10 feet from a side or rear lot line unless located within an approved enclosure that provides effective acoustic mitigation. In all cases, equipment shall comply with Chapter 100 and shall not create an unreasonable noise or vibration nuisance.
- E. Barriers. A required pool barrier is not subject to the pool-wall setback in Subsection B but shall comply with Chapters 70 and 149, the Uniform Code, easements, sight-distance requirements, and approved plans.
- F. Site constraints. No pool, deck, equipment, barrier, or related improvement shall obstruct an easement, required emergency access, drainage path, protected well or septic area, utility clearance, wetland or watercourse buffer, floodway, or other area in which the improvement is prohibited, unless all required written approvals have been obtained.

§ 127-5. Protection of water supply system.

No direct or unprotected connection shall be made between a potable or public water-supply system and a swimming pool, spa, hot tub, circulation system, or chemical-treatment system, unless otherwise approved by the Town Board or the Town Water Department.

§ 127-6. Accessory structures and equipment.

- A. A pump house, filter house, equipment enclosure, deck, platform, retaining wall, heater, fuel source, electrical installation, or other structure or equipment installed in connection with a pool shall obtain all required permits and comply with the Uniform Code, the Energy Code, Chapters 74, 100, and 149, manufacturer instructions, and approved construction documents.
- B. Pool equipment shall be installed on a stable base, protected from physical damage, accessible for inspection and service, and secured against unauthorized operation where required. Combustion air, venting, exhaust, fuel storage, clearances, and equipment disconnects shall comply with applicable codes.
- C. Decks, platforms, stairs, guards, handrails, and walking surfaces shall be structurally adequate, slip resistant where required, and maintained in good repair. The location of any ladder, stair, or deck that forms part of a required barrier shall comply with § 127-8.

§ 127-7. Safety requirements; certificate of compliance.

A. Uniform Code compliance. Every swimming pool, spa, and hot tub and every associated enclosure, alarm, cover, suction outlet, system, and installation shall comply with the Uniform Code and all other applicable law. The following subjects are listed for administration and enforcement and shall not be interpreted to replace or limit any current technical requirement of the Uniform Code.

B. Required safety features include, as applicable:

- (1) Permanent barriers and temporary barriers during installation or substantial modification.
- (2) Barrier height, clearances, openings, mesh size, climbability, and separation from objects that could facilitate climbing.
- (3) Pedestrian gates, service gates, utility gates, and vehicle gates.
- (4) Self-closing, self-latching, locking, and release-hardware requirements, including the required height and location of latches and releases.
- (5) Doors, windows, walls, alarms, and other protective features where a building wall forms part of the pool enclosure.
- (6) Aboveground and on-ground pool walls, decks, guards, ladders, steps, and means for preventing unauthorized access.
- (7) Approved pool alarms and, where required, door or gate alarms.
- (8) Safety covers and automatic power safety covers used as an approved safety feature or alarm exception.
- (9) Suction outlets, drain covers, vacuum-release or other systems, and protection against body, limb, hair, and mechanical entrapment.
- (10) Circulation, filtration, disinfection, sanitation, and water-quality systems.
- (11) Electrical wiring, equipment, luminaires, receptacles, disconnects, clearances, bonding, and grounding.
- (12) Any other barrier, alarm, access-control, structural, electrical, plumbing, mechanical, fuel-gas, or safety requirement imposed by the Uniform Code or other applicable law.

C. Temporary protection. A compliant temporary barrier shall be installed and continuously maintained whenever required during construction or installation. A pool under construction shall not be filled to a depth exceeding 24 inches until either the permanent barrier or a required temporary barrier is complete and operational.

- D. Final approval and use. A pool, spa, or hot tub shall not be used until all permanent barriers, gates, latches, alarms, covers, ladders, steps, entrapment-protection devices, and other required safety features have been installed and found compliant; all required electrical, plumbing, mechanical, and fuel-gas inspections have been completed; the Code Enforcement Officer has conducted the required final inspection; and a certificate of compliance or other final approval required by Chapter 74 has been issued.
- E. Safety devices protected. No person shall remove, bypass, disable, prop open, render ineffective, or fail to maintain a required barrier, gate, latch, alarm, cover, ladder, step, drain cover, or entrapment-protection device while a pool is capable of containing water more than 24 inches deep.
- F. Building-wall openings. Every door, window, or other opening in a building wall that forms part of a pool enclosure shall comply with all applicable Uniform Code safeguards and shall be maintained so those safeguards remain operational.
- G. Public pools. A public swimming pool shall also comply with the Public Health Law, the State Sanitary Code, including 10 NYCRR Subpart 6-1 where applicable, and all permits, plans, inspections, and operating requirements of the State or county health authority.

§ 127-8. Maintenance.

- A. A swimming pool, spa, or hot tub and its water, structure, decks, barriers, gates, latches, alarms, covers, ladders, steps, circulation and sanitation systems, lighting, wiring, equipment, and entrapment protection shall be maintained in a clean and sanitary condition, in good repair, and in safe operating condition as required by the Uniform Code.
- B. Required safety features shall remain installed and operational at all times when the pool is capable of containing water more than 24 inches deep. Repairs and replacements shall use durable, compatible materials and shall restore full compliance; matching obsolete original materials is not required.
- C. A seasonal or winter cover does not replace a required barrier or alarm unless it is an approved safety cover expressly permitted by the Uniform Code for that purpose.
- D. An unused, abandoned, damaged, or deteriorated pool shall be secured, repaired, drained, removed, or otherwise made safe as directed by the Code Enforcement Officer and as required by applicable law. Standing water shall not be allowed to create a mosquito-breeding condition or other public-health nuisance.

§ 127-9. Discharge of drainage.

- A. Pool drainage, backwash, dewatering, and discharge shall be managed so as not to cause flooding, erosion, icing, sediment transport, property damage, or a nuisance and shall not enter a sanitary sewer, septic system, public water system, storm sewer, highway right-of-way, wetland, watercourse, or adjoining property except pursuant to a lawful connection, easement, permit, or written approval.
- B. Water containing chlorine, bromine, salt, algaecide, acid, or another treatment chemical shall be dechlorinated, neutralized, or otherwise treated as required before discharge. The discharge rate and outlet shall be controlled to prevent erosion and off-site flow.
- C. Drainage and waste piping shall be arranged to prevent sewage, wastewater, contaminated water, or other material from being siphoned, flooded, or discharged into a pool or potable-water system. Required air gaps and backflow protection shall be maintained.
- D. All discharges shall comply with Chapters 78, 82, 84, 115, 120, and 145, as applicable, and with requirements of the New York State Department of Environmental Conservation, the New York State Department of Health, the Town, the water or sewer district, and any other authority having jurisdiction.

§ 127-10. Illumination; electrical and equipment inspection.

- A. Exterior lighting shall be located, aimed, shielded, and maintained so that direct light and glare are not cast onto a public street or neighboring property and so that the lighting complies with Chapters 100 and 149 and any approved site plan or permit condition.
- B. Electrical wiring and equipment, including luminaires, receptacles, disconnects, underwater equipment, bonding, and grounding, shall comply with the Uniform Code, including the electrical provisions applicable to swimming pools, spas, and hot tubs. Required electrical inspection shall be performed by an inspection agency approved by the Town, and evidence of approval shall be furnished to the Code Enforcement Officer before final approval.
- C. Required plumbing, mechanical, fuel-gas, structural, and equipment inspections and certifications shall be completed and submitted before a certificate of compliance or other final approval is issued.
- D. Pumps, filters, heaters, generators, chemical feeders, and other equipment shall be installed and maintained to prevent unreasonable noise, vibration, fumes, exhaust, or other nuisance. The Code Enforcement Officer may require an equipment

enclosure, vibration isolation, relocation, or other reasonable mitigation necessary to obtain compliance with Chapter 100 and applicable codes.

§ 127-11. Enforcement; penalties and remedies.

- A. Criminal penalty. Any person who fails to comply with any provision of this chapter, an approved plan, a permit or approval condition, or a lawful order issued under this chapter, shall be guilty of a violation, and each day of such violation shall be deemed a separate and distinct violation, and every conviction of such violation shall be punished by a fine not exceeding \$200 or by imprisonment for a term not exceeding 15 days, or both.
- B. Civil penalty. In addition to the penalties set forth in Subsection A, any person who fails to comply with any provision of this chapter, an approved plan, a permit or approval condition, or a lawful order issued under this chapter, shall be subject to a civil penalty not exceeding \$200 per day that such non-compliance continues. Such civil penalty, plus the cost to the Town to enforce compliance with this chapter, shall be recovered in a civil action brought in the name of the Town in a court of competent jurisdiction, including as a small claim in justice court, as authorized by the Town Board.
- C. In addition to other remedies under this chapter or any other chapter of the Town Code, the Town Board may institute an action or proceeding in a court of competent jurisdiction to enjoin any noncompliance with any provision of this chapter, an approved plan, a permit or approval condition, or a lawful order issued under this chapter, or to abate or remove any noncompliance or to restore the property.
- D. Enforcement. The Code Enforcement Officer may issue appearance tickets, notices of violation, compliance orders, and stop-work orders; may withhold, suspend, or revoke a permit or certificate, and may direct that a pool be secured or that unsafe use cease. The Code Enforcement Officer is authorized to commence criminal and civil proceedings in justice court.
- E. Immediate hazard. When an unsafe condition presents an imminent danger to life, health, or safety, the Code Enforcement Officer may order the pool or affected area immediately closed, vacated, drained, secured, or otherwise made safe and may take emergency action authorized by Chapter 74 or other law.

Section 4. Severability.

The invalidity or unenforceability of any provision of this Local Law by a valid judgement of any court of competent jurisdiction shall not affect the validity or enforceability of any other provision.

Section 5. Effective Date.

This Local Law shall take effect upon filing in the office of the New York State Secretary of State.