

**TOWNSHIP OF BURLINGTON**

**ORDINANCE**

**2023-OR-032**

**ORDINANCE OF THE TOWNSHIP OF BURLINGTON  
AMENDING THE DEFINITION OF "SWIMMING  
POOL" IN LAND DEVELOPMENT § 330-5  
"SPECIFIC PHRASES" AND § 360 "PROHIBITED  
NOISES"**

**WHEREAS**, the Departments of Public Safety and Licensing and Inspection have received complaints that owners of single family homes are renting their swimming pools or hosting parties for paying guests, which are not permitted accessory uses in residential zones, and are causing excessive noise and otherwise disturbing the peace; and

**WHEREAS**, amending the Code definition of swimming pool will clarify that the swimming pool accessory use permits only residents and their non-paying guests to utilize a swimming pool; and

**WHEREAS**, amending Code Chapter 360-2B "Prohibited noises enumerated" to include swimming pools will control excessive noise.

**NOW, THEREFORE, BE IT ORDAINED and ENACTED** by the Township Council of the Township of Burlington, that the Code is amended as follows:

**SECTION ONE.** The definition of "SWIMMING POOL" in § 330-5 is amended as follows:

SWIMMING POOL - Facilities constructed above or below ground, having a depth of more than two feet and/or a water surface of 100 square feet or more, which is designed and maintained for swimming or recreational bathing in connection with a single-family residential dwelling, and is for the use of the owner, members of the owner's family and their guests. A fee may not be charged for use of a swimming pool.

**SECTION TWO.** § 360-1 "Excessive noise prohibited" is amended as follows:

It shall be unlawful for any person to make, continue, suffer, permit,

allow or cause to be made or continued upon any premises, including a swimming pool, or in any vehicle owner, occupied or controlled by any person or upon any public street, thoroughfare or parking lot or in any public park, playground, gathering place or means of public transportation any excessiveness, unnecessary or unusually loud noise which either annoys, injure, disturbs or endangers the comfort, health, repose, peace or safety of others within the Township or which are so harsh, prolonged or unusual in their use, time and place as to annoy, disturb or endanger the comfort, health, repose, peace or safety of others in the Township.

**SECTION THREE.** § 360-2B. "Prohibited noises enumerated" is amended as follows:

Radios, television, phonographs, etc. The using, operating or permitting to be played, used or operated and radio, television, musical instrument, phonograph, loudspeaker or other machine or device for the producing or reproducing of sound in such manner as to disturb the peace, quiet and comfort of the neighboring inhabitants with louder volume than is necessary for convenient hearing for the person or persons who are in the room, swimming pool, vehicle, or chamber in which such machine or device is operated and who are voluntary listeners thereto. The operation of any radio, television, musical instrument, phonograph, loudspeaker or other machine or device between the hours of 10:00 p.m. and 7:00 a.m. in such manner as to be plainly audible at a distance of twenty-five (25) feet from the building, structure or vehicle in which it is located shall be prima facie evidence of a violation of this section.

**SECTION FOUR.** The Township Clerk shall cause a copy of this ordinance to be filed with the Burlington County Planning Board as Section One is an amendment to a development regulation.

This Ordinance was introduced at a meeting of the Township Council in the Township of Burlington held on September 12, 2023, and will be considered for final passage after a public hearing held at a Regular Meeting of the Township Council to be held on September 26, 2023, at the Township Municipal Building, Burlington Township, New Jersey at 7:00 p.m.

This will certify that the foregoing Ordinance was passed by a majority of the Burlington Township Council on September 26, 2023.

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Mary E. Field  
Municipal Clerk

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Robert W. Jung  
President of Council