

**TOWN OF WESTFIELD
WESTFIELD, NEW JERSEY
GENERAL ORDINANCE NO. 2023-31**

**AN ORDINANCE TO AMEND THE LAND USE ORDINANCE OF THE TOWN OF
WESTFIELD IN REGARD TO SWIMMING POOL ENCLOSURES**

WHEREAS, the Uniform Construction Code requires the placement of a barrier for swimming pools, spas, and hot tubs to provide a measure of safety to help prevent accidental drowning; and

WHEREAS, the Town of Westfield presently imposes an additional requirement beyond that of the Uniform Construction Code that private swimming pool enclosures consist of a stockade, board on board, or other solid fence not less than 6 feet in height; and

WHEREAS, the Board of Adjustment has received 11 applications since 2020 which include variance requests from homeowners seeking to enclose their private swimming pools with picket or other open style fencing rather than stockade, board on board, or other solid fence type that the Westfield Land Use Ordinance requires; and

WHEREAS, these picket or other open fencing styles must still meet the barrier requirements under the Uniform Construction Code ensuring that safety measures are provided; and

WHEREAS, repeated requests for variance relief from the same provision of a land use ordinance are indicative of a provision that is simply untenable due to prevailing conditions or modern standards of living; and

WHEREAS, a Land Use Ordinance amendment would be more appropriate than continually granting relief by way of variances. An amendment to the Land Use Ordinance would not only save time, effort, and expense on behalf of applicants but also further the Town's best interest in that it would establish land use regulations by ordinance, rather than by variance approvals.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Westfield in the County of Union as follows:

SECTION I. Article 13, Subsection 13.02D5 is hereby deleted in its entirety. The existing subsections 6 and 7 shall be re-numbered respectively.

SECTION II. Article 12, Subsection 12.07J is hereby deleted in its entirety. The existing subsection K. shall be re-numbered respectively.

SECTION III. All ordinances or parts of ordinances in conflict or inconsistent with any part of this ordinance are hereby repealed to the extent that they are in conflict or inconsistent.

SECTION IV. In the event that any section, provision, or part of provision of this ordinance shall be held to be unenforceable or invalid by any court, such holding shall not affect the validity of this ordinance as a whole, or any part thereof, other than the part so held unenforceable or invalid.

SECTION V. This ordinance shall take effect after passage and publication in the manner provided by law.

NOTICE

Notice is hereby given that the foregoing ordinance was approved for final adoption by the Town Council of the Town of Westfield at a Regular Meeting held on November 8, 2023.

Maureen Lawshe, RMC

Town Clerk