

## Chapter 111 SWIMMING POOLS

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[HISTORY: Adopted by the Board of Supervisors of Bear Creek Township at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Amendments noted where applicable.]

### GENERAL REFERENCES

Zoning — See Ch. 127.

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#### § 111-1. Definitions.

- A. Unless otherwise expressly stated, the following words shall have the meanings herein indicated:

**FENCE** — An enclosure. Such enclosure shall be at least four (4) feet in height, constructed of masonry, wood or metal, with apertures no larger than three (3) inches, equipped with a self-closing gate and complete with a key-operated lock.

**FOOTING** — The spreading at the base or bottom of a wall or other construction.

**PERSON** — Any person, copartnership, association, firm or corporation.

**PRIVATE SWIMMING POOL** — Any swimming pool designed, used and maintained for swimming purposes by an individual for use by his household and guests without fees and located on property owned, leased or otherwise used and maintained by the owner of said swimming pool.

**SWIMMING POOL** — A body of water in an artificial or semiartificial receptacle or other container, whether located indoors or outdoors, in-ground or aboveground, having a depth of water at any point of more than two (2) feet or a surface area of more than one hundred (100) square feet, used or intended to be used for private swimming by adults or children, or by both adults and children.

**WADING POOL** — An artificially constructed pool intended for use by children, not designed or used for swimming, with a maximum area of one hundred (100) square feet or a maximum water depth at any point of less than two (2) feet.

- B. As used in this chapter, the following terms shall have the meanings assigned to them in Chapter 127, Zoning: "accessory building," "front yard" and "side yard."

**§ 111-2. Permit required; fee.**

It shall be unlawful for any person to construct, install, establish or maintain, alter, remodel, reconstruct or operate a private swimming pool without having obtained a permit therefor in the manner prescribed herein:

- A. The application for a permit shall be submitted to the Code Enforcement Officer on forms supplied by the township, together with three (3) sets of plans and specifications setting forth the details of the construction, four (4) sets of drainage plans acceptable to the Township Engineer and four (4) sets of plot plans showing:
- (1) The location of the pool on the lot.
  - (2) The location of buildings on the lot.
  - (3) Fencing, existing and planned, and the height and aperture dimensions thereof.
  - (4) Such other dimensions, descriptions and information as will provide assurance of conformance with the intent and requirements of this chapter, of Chapter 127, Zoning, and of all other applicable regulations of the township.
- B. The fee for each permit shall be as established in the Township Building Code.
- C. Upon approval of the plans and specifications, one (1) set of each, so marked, will be returned to the applicant and must be kept on the site with the permit during construction, available to the Code Enforcement Officer. No change in the same shall be made without written notification to and approval, in writing, by the Code Enforcement Officer.
- D. In all cases where an in-ground pool is proposed, the swimming pool contractor or, if none, the property owner shall deposit the sum of one thousand dollars (\$1,000.) with the township as an escrow fund prior to the issuance of a building permit in order to guarantee the removal of the excavated dirt from the premises upon completion of the work. The escrow agreement shall provide for the township to have the excavated dirt removed at the contractor's expense by use of the escrow funds if the contractor has not done so within thirty (30) days after the pool is substantially completed.

**§ 111-3. Enclosure of pools.**

- A. All swimming pools now existing or hereafter constructed, installed, established or maintained, with the exception of wading pools, shall be completely and continuously enclosed by a permanent durable wall, fence or barrier, which shall be not more than six (6) feet nor less than four (4) feet in height above grade and shall be so constructed as to have no opening, mesh, hole or gap larger than two (2) inches in any dimension, except for doors and gates; provided, however, that if a picket fence is erected or maintained, the horizontal dimension of any gap or opening shall not exceed three (3) inches.

- (1) No fence of any kind or material shall be constructed or maintained which shall contain projections of any kind at any point on the outer surface of said fence.
  - (2) A dwelling, house or accessory building may be used as a part of such enclosure.
  - (3) All gates used in conjunction with any of the above-described enclosures shall conform to the specifications required above to the height and dimensions of openings, mesh, holes or gaps in the case of fences, and all gates and doors shall be equipped with self-closing and self-latching devices for keeping the gate or door securely closed at all times when not in actual use, provided that the door of any dwelling which forms part of the enclosure need not be so equipped.
  - (4) Gates and doors shall be locked when the pool is not in use or is unguarded or unattended.
  - (5) Nothing herein contained shall be construed to require the construction of an additional wall, fence or barrier where, in lieu thereof, the entire premises or a part thereof wherein the pool is contained shall be fully enclosed by a wall, fence or barrier which meets the specifications set forth herein.
  - (6) Any mechanical equipment, such as pumps, filters or electrical devices, which is part of a pool facility shall be within the enclosure or shall be similarly enclosed so as to forestall persons from gaining entry to the pool by climbing over the equipment.
- B. Every outdoor wading pool shall be enclosed by a durable wall, barrier or fence, as described in the preceding subsection, unless such outdoor wading pool is:
- (1) Emptied when not in use or unattended; or
  - (2) Covered with a suitable, strong, protective covering fastened or locked in place when not in use or unattended. A cover shall be considered to be of sufficient strength and securely fastened or locked in place if, when fastened or locked in place, it will support a minimum dead weight of two hundred (200) pounds.

**§ 111-4. Safety and sanitation requirements.**

- A. Every swimming pool shall be equipped with life rings, life preservers or other flotation devices readily available and functional for emergency use.
- B. Any mechanical equipment, such as pumps, filters and electrical devices, shall be adequately enclosed so as to protect all persons from electrical shock and physical injury.
- C. No exposed electrical wires shall be nearer than six (6) feet to the water's edge, nor shall any exposed and permanently installed electrical wire within twenty-five (25) feet from the water's edge of the pool be less than ten (10) feet above the ground, nor shall wires of any kind cross or be over the water surface. Any underwater lighting shall be accomplished by the use of methods and materials approved for such purposes by the National Board of Fire Underwriters.
- D. The buildings, grounds, dressing rooms and all other swimming pool facilities shall be kept clean and in a sanitary condition and maintained free from garbage, trash and other refuse.

**§ 111-5. Pool drainage and discharge.**

- A. There shall be no discharge or drainage of water from a private swimming pool until the Code Enforcement Officer has determined that the method or manner of emptying the pool and the connections of such drain to the storm sewer or open stream, or upon the land, is not contrary to the public interest or maintenance of the storm sewer system or to the interest of other property owners.
- B. In matters pertaining to technical requirements for the discharge of water from a swimming pool, the Code Enforcement Officer shall obtain, as needed, the consultation of the Township Engineer.

**§ 111-6. General requirements.**

- A. Vacant residences. All private swimming pools shall be drained and maintained free for water or safely covered during the period that the property is vacant or unoccupied. This subsection shall not be applicable during reasonable temporary absences by the owner or operator of any swimming pool.
- B. Polluted water. No body of water, whether it is a natural or artificial body of water, in the township shall be used for swimming or bathing purposes by any person or persons, which body of water contains sewage, waste or other contamination or polluting ingredients rendering the water hazardous to the health, safety or welfare of such person or persons.
- C. The Code Enforcement Officer may make modifications in individual cases, upon good cause being shown, with respect to the height, nature or location of fences, walls, gates or latches, or the necessity therefor, provided that the protection sought hereunder is not reduced thereby. The Code Enforcement Officer may permit other protective devices or structures to be used as long as the degree of protection afforded by the substitute devices or structures is not less than the protection afforded by the wall, fence, gates and latches required herein.

**§ 111-7. Lighting.**

No artificial lighting shall be maintained or operated in connection with private swimming pools in such a manner as to be a nuisance or an annoyance to neighboring properties.

**§ 111-8. Enforcement; right of entry for inspections.**

- A. It shall be the duty of the Code Enforcement Officer to enforce the provisions of this chapter. The Code Enforcement Officer or his duly authorized agent is hereby authorized to enter, at reasonable times, with the knowledge of and accompanied by the owner or operator, upon the premises of private swimming pools to inspect the premises for compliance with the provisions of this chapter.
- B. Every private swimming pool constructed, installed, established or maintained or to be constructed, installed, established or maintained in Bear Creek Township shall at all times comply with the requirements of any local Board of Health. Any nuisance or hazards to

health which may exist or develop in or in consequence of or in connection with any such private swimming pool shall be abated and removed by the owner, lessee or occupant of the premises on which said pool is located within ten (10) days of receipt of notice from the Code Enforcement Officer of Bear Creek Township.

- C. In case such order of abatement is not obeyed within the time specified herein, the Code Enforcement Officer shall thereupon issue a written order to remove or abate the same, which order shall be executed by him and his subordinates and workmen, and the expense thereof shall be recoverable from the owner of the premises upon which the swimming pool is located, in the same manner as debts of like character are now collected by law.

**§ 111-9. Appeals.**

Whenever the owner of any swimming pool about to be or in the course of being erected or altered takes exception to the decision of the Code Enforcement Officer in refusing to approve the issuance of a permit or in refusing to approve the manner of construction or the kinds of materials to be used in the construction or alteration or to its decision as to the pool's safety or its compliance with the provision of this chapter, such owner or his duly authorized attorney or agent may, within ten (10) days after such decision, appeal therefrom to the Board of Supervisors. Such appeal shall be in writing, shall state the decision of the Code Enforcement Officer and the reasons for the exception taken thereto, shall be verified by affidavit and shall be filed with the Township Secretary. The person appealing shall have the right to appear and to be heard if he states his desire so to do in his written appeal. A prompt decision of such appeal shall be made by the Board of Supervisors and shall be duly recorded, and the decision shall be final.

**§ 111-10. Violations and penalties.**

Any person violating any of the provisions of this chapter or any regulations and specifications adopted hereunder shall, upon conviction thereof before a District Justice of the township or any other court of competent jurisdiction, be sentenced to pay a fine of not more than one thousand dollars (\$1,000.) for each offense, and costs of prosecution, and in default of payment of said fine and costs shall be imprisoned in the Luzerne County Jail for a period not exceeding thirty (30) days. Each day that a violation is permitted to exist shall constitute a separate offense.