

CHAPTER 41

SWIMMING POOLS (FENCES)

BOROUGH OF WYALUSING
ORDINANCE NO. 41

AN ORDINANCE CHAPTER NO. 41, SWIMMING POOLS (FENCES)
OF THE CODE OF THE BOROUGH OF WYALUSING, COUNTY OF
BRADFORD, COMMONWEALTH OF PENNSYLVANIA.

The purpose of this Ordinance is to regulate Swimming Pools (Fences) as
authorized under the Borough Code found at 53 P.S. § 46202, Specific powers.

24) Building, housing, property maintenance, plumbing and other regulations. To
enact and enforce ordinances relating to buildings and housing, their construction,
alteration, extension, repair and maintenance and all facilities and services in or
about such buildings or housing, to require that, before any work of construction,
alteration, extension, or repair of any building is begun, approval of the plans and
specifications therefor be secured; to provide for the inspection of such work of
construction, alteration, extension and repair, including the appointment of one or
more building inspectors and/or housing inspectors; to prescribe limits wherein
none but buildings of noncombustible material and fireproof roofs shall be erected,
or substantially reconstructed, or moved thereinto; to provide for enforcement of
such regulations by a reasonable fine, and by instituting appropriate actions or
proceedings at law, or in equity, to effect the purposes of this provision and
ordinances enacted thereunder.

The Borough of Wyalusing hereby ordains and enacts as follows:

ARTICLE I, General Provisions

§ 1. Title.

This chapter shall be known and may be cited as the "Private Residential Swimming
Pool Ordinance of the Borough of Wyalusing."

§ 2. Definitions and word usage.

A. When not inconsistent with the context, words used in the present tense
include the future, words in the plural number include the singular number, and
words in the singular number include the plural number. The word "shall" as used
herein is mandatory and not merely directory.

B. For the purposes of this chapter, the following terms, phrases, words and their derivations shall have the meanings given herein:

BOROUGH -- The Borough of Wyalusing.

BOROUGH COUNCIL or COUNCIL -- The Borough Council of the Borough of Wyalusing.

PERSON -- Any person, firm, partnership, association, corporation, company or any organization of any kind.

PRIVATE RESIDENTIAL SWIMMING POOL -- Hereinafter sometimes referred to as a "residential pool," "outdoor hot tub" and "outdoor whirlpool", any permanently or temporary constructed receptacle for water or any artificial pool of water, together with all necessary equipment, which has a depth at any point of more than 2 feet, which is intended or used for the total or partial immersion therein of human beings for recreational purposes and which is permanently or indefinitely located, constructed or installed in or above the ground outside of any building used as a single- or two-family residence or is intended to be used as a swimming pool in connection with such residence and to be available only to the owner or occupants of such residence and his or their family and guests.

§ 3. Permit required; fee.

A. After the effective date of this chapter, no residential pool shall be constructed, installed, enlarged or altered unless a permit first shall have been issued therefor by the Ordinance Enforcement Officer, which permit shall be issued only if the proposed work complies with the requirements of this chapter, with all other relevant ordinances of the borough and with the applicable requirements of the Department of Health.

B. At the time of the application for a permit to construct a swimming pool, the applicant shall pay to the Ordinance Enforcement Officer a nonrefundable fee, payable to the Borough of Wyalusing, as set forth in the borough schedule of fees, as adopted and amended from time to time by the Wyalusing Borough Council.

§ 4. Permit required for sewer connection.

No residential pool or equipment thereof shall be connected to the borough sewer lines unless a permit therefor first shall have been issued by the Borough Secretary.

§ 5. Inspections; suspension of pool use.

All residential pools may be inspected periodically by the Zoning Officer to determine whether the provisions of this chapter are being complied with. The owners of such pools shall permit the Zoning Officer to have access thereto at reasonable times during daylight hours for that purpose. If such inspection shows that a violation of this chapter has occurred or is occurring, he shall and he is hereby authorized and directed to suspend the use of said pool until such a time as the violation has been corrected.

ARTICLE II, Location, Design and Construction

§ 6. Plans and specifications.

A. Every application for a permit to construct or alter any private residential swimming pool shall be accompanied by a plan, in duplicate, on paper or cloth, prepared in ink or by other process so as not to fade, smear or obliterate and in sufficient detail to show all of the following:

- (1) Pool dimensions, depth and volume in gallons.
- (2) The type and size of the filter system, filtration and backwash capacities or cleaning system where the filter has no backwashing facility.
- (3) The location and type of waste disposal system.

B. Every such application shall be accompanied by detailed drawings of equipment, if any, to be connected to the borough sewer lines, which shall show that such equipment and connection will comply with the plumbing provisions of borough ordinances.

C. Every private residential swimming pool, including water supply and drainage systems and other appurtenances and equipment, shall be constructed or installed in accordance with the plans submitted to and approved by the Zoning Officer of the borough pursuant to the provisions of the section, and no deviation shall be made from such plans unless supplementary plans relating thereto, conforming to the provisions of this chapter, are submitted for approval.

§ 7. Location.

A. No portion of any private residential swimming pool, other than walks, fences, pumps, filters and other related equipment, shall be located within eight feet from any building or within four feet from any property line or within 30 feet from

any front building line or on any portion of a lot required by any ordinance of the borough to be maintained as a yard area.

B. No pumps, filters or other swimming pool equipment or facilities, other than fences, walks, equipment which is entirely underground and hidden from view and equipment which is not permanently or indefinitely installed, shall be located within four feet of any property line.

§ 8. Walk areas.

Unobstructed walk areas not less than three feet wide, as measured from the edge of the water, shall extend entirely around every private residential swimming pool; provided, however, that where a diving board is installed, the walk area shall extend not less than two feet beyond the rear edge of such diving board, and at said end it shall extend not less than two feet from each side of such board. The walk area shall be constructed of impervious material, and the surfaces shall be such as to be smooth and easily cleaned and of a nonslip construction. The slope of the walks shall have a pitch of at least 1/4 inch to the foot, designed so as to prevent back drainage from entering the pool.

§ 9. Fences.

Every private residential swimming pool, including those now existing or under construction, shall be separated entirely from public thoroughfares and neighboring properties by a securely constructed and installed fence or similar barrier having a height at all points of at least four feet above the grade level. All points of entry into the area of the swimming pool shall be equipped with a secure gate having a high-mounted automatic locking device, on the poolside thereof, which is inaccessible to small children. This section shall be governed by the International Building Code and related Codes or the above language whichever provides a stricter requirement.

§ 10. Steps and ladders.

One or more means of egress in the form of steps or ladders shall be provided for every private residential swimming pool.

ARTICLE III, Water Supply Circulation, Drainage and Filtration

§ 11. Filtration and recirculation systems required.

Private swimming pool water must be filtered and chemically treated. One complete recirculation of the entire volume of pool water through the filter system is required

every 12 hours during the swimming season. Every private swimming pool shall be equipped with a sand filter, a diatomaceous filter or an approved equal.

§ 12. Supply inlets.

A. Physical connections between potable water systems and pool circulating systems will not be permitted. The fill pipe shall be located at least two fill-pipe diameters above the rim of the pool.

B. Any system for the supplying of recirculated or make-up water which is permanently connected, in any way, with the public water supply shall be constructed in conformity with all applicable requirements of the Department of Health and of the agency or corporation operating such public water system.

§ 13. Filtration and recirculation system requirements.

A. Every private residential swimming pool recirculation system shall consist of pumping equipment, hair and lint catchers and filters, together with the necessary pipe connections to the pool inlets and outlets, and facilities and pipe connections necessary for back washing filters or cleaning them.

B. The pump used in any filtration system shall have sufficient capacity to provide a filter flow and normal backwash rates.

C. The recirculation system shall contain a filter and appurtenances, which meet the following requirements:

(1) The capability and performance shall be sufficient to furnish water which meets the following clarity criterion when in the pool: a black disc, six inches in diameter on a white field, when placed on the bottom of the pool at the deepest point, is clearly visible from the side of the pool.

(2) All pressure filters shall be equipped with readily accessible air relief valves, loss of head shown by pressure gauges on the outlet lines, and access head or hole large enough to permit inspection, maintenance and repair work.

(3) To assure himself of the quality and chemical property of the water in a private swimming pool, the owner shall procure an approved water test set and use it as directed by the manufacturer.

(4) No gaseous chlorination system shall be utilized as a disinfection method for any private residential swimming pool.

- (5) All valves shall be marked for proper identification.

ARTICLE IV, Electrical Requirements

§ 14. General standards.

All electric wiring installed shall be installed and used in conjunction with private residential swimming pools in conformity with National Electric Code standards, and the materials used or installed shall be as approved by National Underwriters' Laboratories.

§ 15. Proximity of electrical wiring.

No electric wires or conductors shall be installed or permitted to remain in such a position as to cross, either overhead or underground, any part of a private residential swimming pool, nor shall any electric wiring be installed parallel to any pool wall closer than five feet thereto, except if such wiring is both located underground and enclosed in rigid conduits.

§ 16. Underwater lights.

All underwater lights shall be watertight, self-contained units, each with their own ground connection running from a waterproof junction box to a proper grounding facility or medium. All underground electric wires supplying current to such light or lights, within a distance of five feet of the pool wall or walls, must be enclosed in rigid conduits.

§ 17. Grounding of potential conductors.

All metal fences, enclosures or railings which are located near or adjacent to private residential swimming pools and which might become electrically alive as a result of contact with broken overhead conductors or from any other cause shall be effectively grounded.

ARTICLE V, Applicability and Enforcement

§ 18. Maintenance and operation.

No private residential swimming pool shall be used, kept, maintained or operated in the borough if such use, keeping, maintaining or operating shall be the occasion of any nuisance or shall be dangerous to life or detrimental to health.

§ 19. Applicability.

The provisions of this chapter shall apply to all private residential swimming pools in the borough, whether constructed previously or hereafter; provided, however, that with regard to any such pool which has been constructed or substantially constructed at the time of enactment of this chapter:

- A. The requirements of § 7 hereof, relating to location, shall not apply, except to such additions or other alterations as may hereafter be made thereto.
- B. Compliance with the remaining provisions of this chapter shall not be required until 30 days after the enactment hereof or such longer period as may be allowed by the Zoning Officer, subject to the approval of the Council.

§ 20. Violations and penalties.

- A. Any person, firm or corporation who or which shall violate or fail to comply with any of the provisions of this chapter shall, upon conviction, be sentenced to pay a fine of not more than \$600 and costs of prosecution and, in default of payment of such fine and costs, be imprisoned for a term not exceeding 30 days.
- C. Proceedings for violation hereof may be instituted by anyone making information before the Mayor or District Justice and may be commenced by issuing either a summons or a warrant after information has been made.

THIS ORDINANCE shall take effect immediately upon adoption.