

SWIMMING POOLS
CHAPTER 23

ORDINANCE NUMBER 2000-02

AN ORDINANCE OF THE BOROUGH OF CLARKS SUMMIT
DEFINING AND REGULATING THE CONSTRUCTION,
MAINTENANCE AND USE OF PRIVATE SWIMMING POOLS
INCLUDING PORTABLE POOLS; REQUIRING A
CONSTRUCTION PERMIT AND FEE; ESTABLISHING
STANDARDS FOR ENCLOSURE OF POOLS AND FOR THE
DESIGN AND CONSTRUCTION THEREOF INCLUDING
ELECTRICAL CONNECTIONS AND SHIELDING LIGHTS
THEREFROM; REGULATING THE LOCATION OF POOLS
ON PROPERTY; PROHIBITING UNNECESSARY NOISE
AND DISTURBANCE OF NEIGHBORING PROPERTIES AND
PRESCRIBING PENALTIES FOR VIOLATION.

The Borough Council hereby ordains:

Section 1. Definition. as used in this ordinance, SWIMMING POOL or POOL is hereby defined as an outdoor swimming pool used or intended to be used solely by the owner of a residential property, his family, or leasee thereof and his family, and by guests invited to use it without the payment of any fee.

Section 2. Applicability. This ordinance shall apply to all new outdoor swimming pools hereinafter constructed as well as existing swimming pools whether aboveground or in the ground and having a depth of eighteen (18) inches or more at any one point.

Section 3. Construction Permit and Approval. Before any work is commenced on the construction of a swimming pool or on any alteration, addition, remodeling or other improvement to a swimming pool, an application for a permit for construction, together with plans and specifications pertinent to the construction, as well as explanatory data, shall be submitted to the Borough Codes Enforcement Officer. No part of the work shall be commenced until approval has been granted the applicant by a written permit. The fee for such permit shall be fixed pursuant to a Resolution of the Borough Council.

All plans, shall include a plot plan. The plot plan shall show the location of all buildings and the proposed pool on the property, distances to all property lines in the immediate vicinity of the swimming pool and dwelling, and the location of wells/water supply, sewerage disposal systems, electrical services and proposed enclosure or fence around the pool.

Standard pools, properly designed by established swimming pool companies and having the approval of a registered engineer or registered architect shall be acceptable when accompanied by suitable plans and specifications, including information as

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stated herein.

Section 4. Enclosure. Every swimming pool shall be completely surrounded by a fence, wall or similar enclosure not less than four (4) feet in height, which shall be so constructed as to have no openings, holes or gaps larger than two (2) inches in any dimension. If the fence or wall is a picket fence, the horizontal dimensions maintained shall not exceed four (4) inches. A dwelling or accessory building may be used as part of such enclosure.

All gates or door openings through such enclosure shall be equipped with a self-closing, self-latching device on the pool side for keeping the gate or door securely closed at all times when not in use, except that the door of a dwelling or accessory building which forms part of the enclosure need not be so equipped. The fence shall surround the pool and the deck area. Fences shall be erected around all existing swimming pools not later than December 31st, 2000.

Section 5. Location on the Property. A swimming pool shall be located at the rear of a dwelling or long the side of the dwelling where practical.

There shall be a minimum of three (3) feet of concrete, stone, brick or block sidewalk or other all weather surface around all pools, except portable aboveground pools.

No swimming pool or appurtenances, including decks and shelters shall be erected nearer to any property line than permitted by the Borough's Zoning Ordinance.

Section 6. Design and Construction Requirements. No permit to construct new swimming pools (existing and permitted pools are excluded from this section) shall be issued unless and until the following design and construction requirements are observed.

1. **Material:** The material used for lining a swimming pool shall be light in color, impervious and shall provide a tight tank with easily cleaned surfaces. Sand or dirt bottoms are prohibited if uncovered.

2. **Walls and Bottom:** All pool walls and bottoms shall be designed to withstand water pressure from within and to resist pressure of earth or ground water when the pool is empty.

3. **Steps, Ladders, Handholds:** One or more steps, ladders, stepholes or handholds shall be provided for all pools. The coping of the swimming pool, if not higher than eight (8)

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inches above the water surface, shall be considered a handhold.

4. **Make-Up Water:** Pools shall be equipped with suitable facilities for adding make-up water as required. There shall be no physical connection between the water supply line and the pool system. When make-up water is added to the pool, the inlet shall be at least six (6) inches above the pool water surface.

5. **Drainage Outlet:** Pool water may be drained at the curb, along the gutter line of any Borough street or cartway or on the surface of any Borough street or cartway, except during the period October 1st through May 1st, inclusive. Pool water may not be drained into any existing Borough sanitary sewer system.

6. **Recirculation:** Provision shall be made for complete circulation of water throughout the pool. The system shall be designed and constructed so that a turnaround at least once every twelve (12) hour period shall be provided. Recirculation systems shall consist of pumping equipment, hair and lint catcher, filters, together with all necessary pipe connections to the pool inlets and outlets, facilities and pipe connections necessary for backwashing or cleaning filters.

7. **Safety Equipment:** Life preservers, ropes and poles shall be readily available at the pool site.

Section 7. Portable Pools. Above ground pools, having a depth of eighteen (18) inches or less are not subject to the fee schedules nor the design and requirements as set forth herein.

Aboveground pools having walls four (4) feet or greater in height, at all points adjacent to the pool wall, may be excluded from the fencing requirement provided such pools are equipped with access ladders which may be raised and locked in a near vertical position when the pool is unattended. An aboveground pool as described in this paragraph which is served by a ladder or steps which cannot be raised and locked so as to prevent access by small children shall be enclosed in accordance with Section 3.

Section 8. Property Rights. No swimming pool shall be so located or maintained as to interfere unduly with the enjoyment of the property rights of others.

Section 9. Shielding Lights. Lights used to illuminate any swimming pool shall be so arranged as to reflect light away from

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adjoining premises.

Section 10. Unnecessary Noise. It shall be unlawful for any person to make, continue or cause to be made or continued at any swimming pool, any loud, unnecessary or unusual noise which disturbs, injures or endangers the comfort, health, peace or safety of others. The use or operations of any radio, musical instrument, phonograph, tape or CD player, recording equipment or other machine or device for producing or reproducing of sound in such a manner as to disturb the peace, quite and comfort of neighboring inhabitants or at any time with volume louder than is necessary for convenient hearing of persons at the swimming pool site shall be unlawful.

Section 11. Electrical Connections. All electrical installations shall conform to the specifications of the National Electrical Code (NEC). No electrical wires or conductors shall cross, either overhead or underground, on any part of a swimming pool, nor shall any electric wiring be installed parallel to any pool wall closed than five (5) feet, if underground, unless enclosed in a rigid conduit, or within five (5) feet, if overhead.

All underwater lights must be watertight, self-contained units with ground connections running from a waterproof junction box to a proper grounding facility or medium. All underground electrical wires supplying current to said lights within a distance of five (5) feet of the pool wall or walls shall be enclosed in rigid conduits. All metal fences, enclosures, and/or railings, near or adjacent to a swimming pool, which might become electrically charged as a result of contact with broken overhead conductors, or from any other cause, shall be effectively grounded.

Section 12. Vector Control. No swimming pool shall be allowed to remain partially filled and not circulated and treated. Such standing water can breed mosquitoes or other vectors. Any owner, having been duly notified by the Borough or its agent, shall drain said pool, without delay. If the owner of the swimming pool fails to drain the pool and correct the problem, the Borough may take such action as is necessary, and place a municipal lien on the property owner to recover the cost of associated draining.

Section 13. Penalties. Any person, firm or corporation who shall violate any provision of this ordinance shall, upon conviction thereof, be sentenced to pay a fine not more than six hundred dollars (\$600.00). Each day that a violation of this ordinance continues shall constitute a separate offense.

Section 14. Repealer. All ordinances or parts of ordinances

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which are inconsistent herewith are hereby repealed. The following Ordinances or parts thereof are specifically repealed:

Ordinance 69-4, dated May 7th, 1969.
Chapter 27, Pat 5, Section 503.3 of the Code of Ordinances
Borough of Clarks Summit.

Section 15. Severability. If any sentence, clause, section, or part of this ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this ordinance. It is hereby declared as the intent of the Borough Council that this ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

Section 16. Effective Date. This ordinance shall become effective ten (10) days following adoption.

Adopted at a Special Meeting of Borough Council conducted on Wednesday, July 5th, 2000.

EDWARD M. BUSH, SR.
Council President

APPROVED:

Approved this 5th day of July, 2000.

ANTHONY PERRY
Mayor

ATTEST:

Adopted at a Special Meeting of Borough Council conducted on Wednesday, July 5th, 2000.

JAMES G. VONES, SR.
Borough Manager/Secretary

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