

**CHAPTER 23**  
**SWIMMING POOLS**

**PART 1**

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**PART 1**

**GENERAL REGULATIONS**

**§23-101. Definitions.**

Unless otherwise indicated, the following words shall be construed to have the meaning hereafter indicated. The singular shall include the plural and the plural shall include the singular:

**FENCE** — an enclosure around a pool. Such enclosure shall be at least four feet in height and shall be made of masonry, plastic, wood, metal or other material deemed suitable by the Building Inspector and/or ordinance officer and constructed in a manner so as to prevent the passing of a solid sphere of four inches in diameter through or under said fence. The fence shall be equipped with a gate which shall have a locking device in good working condition.

**GATE** — the barrier which closes the opening in a fence around in-ground and aboveground pools. It shall be at least four feet in height, and the bottom shall not be more than four inches above ground level when in the closed position and it shall have a locking device in good working condition.

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

**POOL** – swimming pools 24 inches or more in depth, hot tubs and spas must comply with the Uniform Construction Code.

- A. Aboveground. Any swimming pool constructed aboveground with steps, ladders or ramps providing access to the pool in which there is or can be an accumulation of water to a depth of 24 inches or more.
- B. In-Ground. Any swimming pool constructed partially or entirely below ground level outside of a building, having sides with a slope of greater than 45° from the horizontal and comprised of concrete, plastic, stone, brick, rubber, wood, masonry, metal or other such material in which there is or can be an accumulation of water to a depth of 24 inches or more. This definition specifically excludes natural ponds or lakes.

(Ord. 888, 3/2/1981, §1; as amended by A.O.

**§23-102. Permit Requirements; Inspections.**

From and after the effective date of this Part, it shall be unlawful for any person to erect or construct any pool within the Borough without first having obtained a permit therefor from the Building Inspector and/or ordinance officer. Applications therefor shall be made upon a form to be furnished by the Secretary and shall be accompanied by a fee in

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an amount to be established, from time to time, by resolution of Borough Council.<sup>1</sup> The application shall be accompanied by a satisfactory plan of property showing the location of the pool with its specific dimensions and a detailed description of the fence and/or gate as required under the provisions of this Part and the Uniform Construction Code. The Building Inspector shall issue a permit when the plans submitted indicate that the provision of this Part and the UCC requirements are satisfied. The applicant shall keep the permit available for inspection at all times during construction. The Building Inspector shall make an inspection prior to and following completion of work to determine that the location of the pool and the construction of the fence and/or gate comply with the requirements of this Part.

(Ord. 888, 3/2/1981, §1; as amended by A.O.)

### **§23-103. Enclosure of New Pools.**

No in-ground or aboveground pool shall be filled or maintained hereafter, within the limits of the Borough, unless and until a fence is erected surrounding said in-ground or aboveground pool.

(Ord. 888, 3/2/1981, §1)

### **§23-104. Existing Pools to be Enclosed.**

Any person maintaining an in-ground or aboveground pool which pool has been constructed before the effective date of this Part shall erect a fence surrounding said in-ground or aboveground pool.

(Ord. 888, 3/2/1981, §1)

### **§23-105. Unattended Pools Must Be Left Secure.**

Every person maintaining in-ground or aboveground pool which must be fenced and must be gated as required by this Part shall keep the gate closed and securely locked at all times when said pool is not in use by the person maintaining the same, his family or his guests.

(Ord. 888, 3/2/1981, §1)

### **§23-106. Penalties.**

Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than \$1,000 plus costs and, in

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<sup>1</sup> Editor's Note: The current fee resolution is on file in the office of the Borough Secretary.

default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(Ord. 888, 3/2/1981, §1; as amended by A.O.

**§23-107. Severability.**

In the event any provision, Section, sentence or clause of this Part shall be held to be invalid, such invalidity shall not affect or impair any remaining provision. Section, sentence or clause of this Part, it being the intent of this Borough that such remainder shall be and shall remain in full force and effect.

(Ord. 888, 3/2/1981, §1)

