

CHAPTER 23
SWIMMING POOLS

Part 1

Swimming Pools

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Part 1

Swimming Pools

§101. Short Title.

This Part shall be known and cited as the “Conewago Township Swimming Pool Ordinance. (Ord. 1978-1, 6/12/1978, §1)

§102. Definition.

Any pool, portable or permanent, which is used or intended to be used for swimming, bathing or wading, over 18 inches in depth or with a surface area of 150 square feet or more, shall, for the purpose of this Part, be a swimming pool. Ponds are expressly excluded from this definition of swimming pool. (Ord. 1978-1, 6/12/1978, §2)

§103. Swimming Pools to be Enclosed With Fence.

All swimming pools shall be completely enclosed by a four-foot chain link, welded mesh, solid masonry, solid wood or picket fence, with spacing no greater than four inches in a horizontal dimension:

- A. Should the walls of the pool be above ground, the height of the fence required shall be reduced by the height of such walls so that the total height of said wall plus fence shall be not less than four feet.
- B. All gates or doors opening through the fence or equivalent enclosure shall be equipped with a self-closing and self-latching device for keeping the same locked at all times when not in actual use.
- C. The Board of Supervisors may make modification in individual cases, upon good cause shown, with respect to the height, nature or location of the fence or equivalent enclosure, gates or latches or the necessity therefor so long as the protection sought hereunder for young children is not reduced thereby, and may permit other protective devices or structures to be used so long as equivalent, or superior, protection is provided thereby.

(Ord. 1978-1, 6/12/1978, §3)

§104. Proximity to Property Line.

No swimming pool shall be closer than 10 feet from existing property lines. (Ord. 1978-1, 6/12/1978, §4)

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§105. Person Responsible for Compliance.

Compliance with the foregoing safety requirements shall be the responsibility of the person in possession of the land area where such swimming pool is located, whether as owner or purchaser, lessee, tenant or licensee, whatever may be the private rights between any such parties as to such costs and improvements. If the Township Code Enforcement Officer finds a failure of compliance, he shall give notice of his findings to the owner or other person responsible for the pool or premises and shall have the power to abate or cause the suspension of use of such pool, and the draining of all water therefrom, until such time as compliance is achieved and the hazard to safety eliminated. (Ord. 1978-1, 6/12/1978, §5)

§106. Special Provisions Applicable to Previously Constructed Pools.

All swimming pools constructed or erected prior to the enactment of this Part shall not be considered in violation of the provisions of this Part pertaining to height of fence, distance of fence from waters edge, and distance of pool from existing property lines, provided such pools are, on the date of the enactment of this Part, completely surrounded by at least four-foot fence with openings no greater than four inches, and with a gate equivalent or superior to that specified in §103(B), above. The Code Enforcement Officer shall allow reasonable time for compliance in the case of swimming pools constructed or erected prior to the enactment of this Part, so long as the person responsible for compliance makes reasonable efforts to comply with the terms of this Part. Nevertheless, in no event shall the time for compliance extend beyond six months from the date of enactment of this Part, except upon written permission granted by the Board of Supervisors, for an extension not to exceed nine months from the date of enactment of this Part. (Ord. 1978-1, 6/12/1978, §6)

§107. Enforcement and Remedies.

1. Enforcement Notice.
 - A. If it appears to the Township that a violation of this Part has occurred, the Township shall initiate enforcement proceedings by sending an enforcement notice as provided in this Section.
 - B. The enforcement notice shall be sent to the violator and, if applicable, the owner of record of the parcel on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding that parcel and to any other person requested in writing by the owner of record.
 - C. An enforcement notice shall state at least the following:

- (1) The name of the violator and, if applicable, the owner of record and any other person against whom the Township intends to take action.
- (2) The location of the violation and, if applicable, the property in violation.
- (3) The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of this Part.
- (4) The date before which the steps for compliance must be commenced and the date before which the steps must be completed.
- (5) That the recipient of the notice has the right to appeal to the Board of Supervisors within a period of 10 days.
- (6) That failure to comply with the notice within the time specified, unless extended by appeal to the Board of Supervisors, constitutes a violation, with possible sanctions clearly described.

2. Enforcement Remedies.

- A. Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this Part shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than \$600 plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the district justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating this Part to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the district justice and thereafter each day that a violation continues shall constitute a separate violation.
- B. The court of common pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem fine pending a final adjudication of the violation and judgment.
- C. Nothing contained in this Section shall be construed or interpreted to grant to any person or entity other than the Township the right to commence any action for enforcement pursuant to this Section.

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- D. District justices shall have initial jurisdiction over proceedings brought under this Section.

(Ord. 1978-1, 6/12/1978, §7; as amended by Ord. 1997-1, 1/6/1997)