

ORDINANCE NO. 173

ORDINANCE REGULATING THE CONSTRUCTION, OPERATION AND MAINTENANCE OF BATHING PLACES OR SWIMMING POOLS, TO BE KNOWN AS THE BATHING AND SWIMMING POOL ORDINANCE OF EAST NORRITON TOWNSHIP

The Supervisors of East Norriton Township hereby Ordain and Enact, as follows:

Section 1. Definitions

(a) "Person" is any person, firm, partnership, association, corporation, company or any organization of any kind.

(b) "Bathing Place" or "Swimming Pool" is any body of water in an artificial or semi-artificial receptacle or other container, whether located indoors or outdoors, used or intended to be used for bathing or swimming purposes by adults or children or both adults and children, whether or not any charge or fee is imposed upon such adults or children and operated and maintained by any person whether he be an owner, lessee, operator, licensee, or concessionaire, and shall include all structures, appurtenances, equipment, appliances and other facilities appurtenant to and intended for the operation and maintenance of such bathing place or swimming pool and shall also include all bathing places or swimming pools operated and maintained in conjunction with or by clubs, motels, hotels and community associations. It shall not include a small portable children's pool with a depth of eighteen inches or less.

Section 2. Any person desiring to construct, add to or modify any bathing place or swimming pool shall, in addition to any other permits required by law, first secure a permit from the Township Zoning Officer of East Norriton Township.

Section 3. Applications for permits shall be made to the Township Zoning Officer on a form to be approved by him and shall include such plans, drawing, specifications, maps or other data as may be required to satisfactorily indicate the location, specific dimensions, area, depth of the pool and the method of fencing, latching, locking and the method and manner of emptying the pool.

Section 4. No person shall operate or maintain a bathing place or swimming pool until a license therefor shall have been issued by the Zoning Officer, which license shall not be valid for longer than one year from the date of issuance. A new license will be issued each year by the Zoning Officer on all pools registered the previous year. The license shall only be originally issued if the Applicant has constructed, added to or modified the bathing place or swimming pool in accordance with the plans and specifications as approved by the Zoning Officer and, on renewal, only if the bathing place or swimming pool has continued to be operated and maintained in accordance with such approved plans and specifications.

Application for the annual license shall be mailed to all owners of pools registered the previous year. Signed applications and an annual swimming pool license fee of \$5.00 shall be submitted to the Zoning Officer and the license shall then be issued. The application shall include an authorization from the property owner to allow a representative of the Township to enter the property for the purpose of pool inspection.

Section 5. The location of any outdoor facilities shall be subject to a minimum clearance of twenty (20) feet from a cesspool or sub-surface sanitary sewer system and twenty (20) feet from any property line, except that when a temporary pool structure is erected in a residential town-house development the set-back requirements shall be four (4) feet from all property lines; provided however, that the installation of a temporary pool structure will not be allowed where the installation thereof will violate a private restriction or will have any adverse affect on the storm water drainage system.

The determination of any adverse affect on the storm water drainage system shall be made by the Township Zoning Officer. Appeals from an adverse decision of the Zoning Officer shall be made pursuant to the Township Zoning Ordinance.

Section 6. Every in-ground bathing place or swimming pool in which water may collect in excess of a depth of 18 inches shall be entirely surrounded by a substantial fence or wall not less than four (4) feet in height of non-removable type which shall be so constructed as not to have any opening, holes or gaps larger than four inches in any dimension except for doors or gates. A dwelling house or accessory building may be used as part of such enclosure. All gates or doors opening through such enclosure shall be equipped with a self-closing and self-latching device for keeping the gate or door securely closed and locked at all times when not in actual use, except that the door of any dwelling which forms a part of the enclosure need not be so equipped. All such enclosures must be specifically approved by the Zoning Officer.

All above-ground bathing places or swimming pools shall be equipped with either a four (4) foot fence or a safety cover with a safety locking device, with a removable ladder.

Section 7. "Bathing Places or Swimming Pools erected and operated and maintained prior to May 19, 1969 and still being operated and maintained on that date, and which do not conform in all respects to the requirements of this Ordinance may be granted a license by the Zoning Officer with changes or modifications permitted, if unnecessary hardship would otherwise result. In such case, written application shall be made to the Zoning Officer and he may make modifications of the requirements in such individual cases, upon showing of good cause with respect to the height, nature or location of the fence, wall, gate or latches or the necessity therefor, provided, however, that they are within the purpose and intent of this section, and that the protections as sought by this Ordinance is not materially reduced thereby. In such cases, he may also permit other protective devices or structures to continue to be used so long as the degree of protection afforded by the substitute device or structure is not materially less than the protection afforded by the wall,

fence, gate or latch described herein. In all instances, however, such exceptions to be effective must be obtained in writing from the Zoning Officer and be set forth and specifically appear and be noted as changes, conditions or modifications on the annual license as issued."

Section 8. Every person maintaining a pool shall keep the gate or doors closed and securely locked at all times when said pool is not in use by the person maintaining the same, his agent, his family or his guests.

Section 9. It is the intent of this Ordinance to be supplementary to and not contrary to any laws of the Commonwealth of Pennsylvania or regulations of any of its executive agencies and should any part of this Ordinance be declared invalid because of such conflict or for any other reason the provisions of this Ordinance shall be deemed severable so that the unaffected portions hereof shall be deemed to be and remain in full force and effect.

Section 10. All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed.

Section 11. Anyone who violates any of the provisions of this Ordinance, upon conviction before a Justice of the Peace within the magisterial district of which the Township of East Norriton is a part shall be fined not less than Twenty-Five (\$25.00) Dollars and not more than Three Hundred (\$300.00) Dollars for such violation.

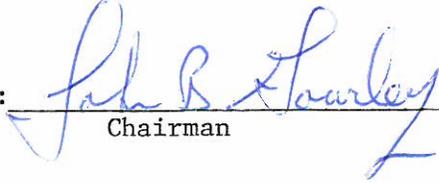
In default of the payment of any fine, such person shall be liable for imprisonment of not more than ten (10) days in Montgomery County Prison. Whenever any violator shall be notified by a representative of the Township or by service of summons or prosecution or in any other way that such violation has been committed, each day that the violator shall continue in such violation shall constitute a separate offense punishable by fine or penalty.

THIS ORDINANCE shall become effective immediately.

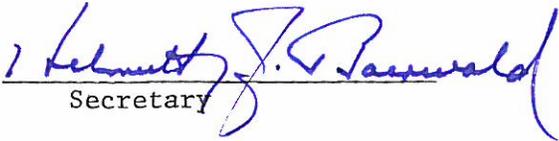
ENACTED AND ORDAINED by the Board of Supervisors of the Township of East Norriton, Montgomery County, Pennsylvania this 8th day of June, 1982.

BOARD OF SUPERVISORS OF THE
TOWNSHIP OF EAST NORRITON

By:


Chairman

Attest:


Secretary