

BOROUGH OF AVALON

ORDINANCE NO. 1258

AN ORDINANCE OF THE BOROUGH OF AVALON, ALLEGHENY COUNTY, AND COMMONWEALTH OF PENNSYLVANIA, TO BE KNOWN AS THE BOROUGH OF AVALON SWIMMING POOL ORDINANCE; PROVIDING FOR THE REGULATION AND MAINTENANCE OF SWIMMING POOLS IN THE BOROUGH OF AVALON; PROVIDING DEFINITIONS; REQUIRING A PERMIT AND SETTING FORTH AN APPLICATION PROCEDURE; REQUIRING FENCING AND LOCKS AND INSPECTIONS BY THE BOROUGH BUILDING INSPECTOR; PROVIDING FOR PENALTIES FOR THE VIOLATION THEREOF; AND REPEALING ALL INCONSISTENT ORDINANCES.

SECTION 1: ENACTING CLAUSE.

Be it ordained and enacted by the Council of the Borough of Avalon and it is hereby ordained and enacted by the authority of the same, that from and after the effective date of this Ordinance, the following Ordinance shall be in full force and effect in the Borough of Avalon.

SECTION 2: SHORT TITLE.

This Ordinance shall be known as the Borough of Avalon Swimming Pool Ordinance.

SECTION 3: CONFLICT WITH OTHER ORDINANCES OR REGULATIONS.

All Ordinances or parts of Ordinances conflicting herewith are hereby repealed.

SECTION 4: PURPOSE AND INTENTION OF ORDINANCE.

This Ordinance is adopted to protect the health, safety and welfare of the residents of the Borough of Avalon.

SECTION 5: RULES OF CONSTRUCTION.

In the construction of this Ordinance, the rules and definitions contained in this Section shall be observed and applied, except when the context clearly indicates otherwise:

- A. Words used in the singular shall include the plural, and the plural the singular.
- B. Words used in the present tense shall include the future tense.
- C. The word "shall" is always mandatory and not discretionary.
- D. The word "may" is permissive.

SECTION 6: COMPLIANCE REQUIRED.

Every swimming pool, wading pool or family pool, (as hereinafter defined) constructed, installed, maintained or operated from and after the date of this Ordinance shall comply with the applicable provisions set out herein.

SECTION 7: DEFINITIONS.

For the purpose of this Ordinance, the following terms, phrases, words and their derivations shall have the meaning given herein:

BOROUGH: The Borough of Avalon.

BUILDING INSPECTOR: The Building Inspector of the Borough of Avalon.

FAMILY POOL: A swimming pool with a depth at any point in excess of eighteen (18) inches, used or intended to be used solely by the owner, operator or lessee thereof and

his family and by friends or other persons or individuals invited to use it without the payment of any fee, located on a lot as an accessory use to a residence. Unless otherwise qualified, the term "family pool" shall be construed as including both artificial or partly artificial pools. The term "partly artificial pool," as used in this Ordinance, shall mean a pool formed from a natural body of water which has either so limited a flow or such an inadequate natural circulation that the quantity of water must be maintained by artificial means. The term "artificial pool," as used in this Ordinance, shall mean a pool composed entirely of artificial construction.

OWNER: When applied to the proprietorship of a swimming pool, includes every person having a right of property in such swimming pool, and every person who has, keeps or maintains a swimming pool on or about any premises occupied by him.

PERSON: Shall mean an individual, proprietorship, partnership, corporation, association, or other legal entity. Masculine words shall include the feminine and neuter.

PLANNING COMMISSION: The Planning Commission of the Borough of Avalon.

POOL: As used herein and not modified by the words "family" or "wading" includes "family pool," "wading

pool" and all other "swimming pools" at which a charge is made for its use.

WADING POOL: Any artificially constructed pool not designed, intended or used for swimming and having a maximum depth of eighteen (18) inches or less at any given point.

SECTION 8: PERMIT REQUIRED.

It shall be unlawful to construct a pool, except a wading pool, without having first obtained a permit as provided herein, or, to maintain any pool, including a wading pool, except in conformity with this Ordinance.

SECTION 9: APPLICATION PROCEDURE.

Application for the construction and maintenance of a pool, except a wading pool, shall be made to the Building Inspector by the owner of the property. The application shall be accompanied by a duplicate set of plans, specifications and plot plan of the property. The plot plan shall show the accurate location of the proposed pool on the property, together with any other auxiliary facilities and structures, including, but not limited to, source of water supply, plumbing facilities, discharge facilities, electrical wiring and fixtures. The plant plan shall also show the location, height and type of all fencing or enclosures as may be required by this Ordinance. Each such application shall be accompanied by a fee as set forth in the Borough Permit Fee Schedule then in effect.

SECTION 10: CONSTRUCTION, MAINTENANCE AND OPERATION

- A. Materials used in the construction of all pools shall be waterproofed, and the owner of any pool shall maintain said pool in such condition as to prevent breaks in the pool and to prevent water from overflowing into adjacent public or private property.
- B. The owner of every pool, except a wading pool, shall maintain excess residual chlorine in all portions of the water of his pool, when such pool is in use, of not less than three-tenths (3/10) parts per million nor more than six-tenths (6/10) parts per million. The owner of any pool may adopt such means of chlorination as will guarantee adherence to the provisions of this Ordinance, and upon failure to install and maintain such means or to use them in an effective manner, the Building Inspector shall direct the owner of such pool to discontinue the use thereof.

SECTION 11. WATER SUPPLY

There shall be no physical connection between a potable private or public water system and any pool at a point below the maximum waterline of the pool or to a recirculatory or heating system of said pool.

SECTION 12. DRAINAGE SYSTEM.

Any pool constructed under the provisions of this Ordinance shall, if possible, be provided with a drainage outlet extending from such pool to either a storm sewer or lawn sprinkling system.

- A. No such drainage outlet shall be connected until such times as the Building Inspector inspects the premises where such pool is located.
- B. A tap fee of _____ dollars (\$_____) shall be paid by the owner of any pool who makes a drainage outlet connection with a storm sewer which has been dedicated and officially adopted by the Borough. This connection must be made in the presence of the Building Inspector.
- C. Approval may be given by the Building Inspector to discharge water at the curb or upon the surface of any street if, in his opinion, no damage will be done by this discharge of water to the street or to any abutting properties.

SECTION 13. LOCATION.

No pool shall be erected nearer to a street property line, back property line or side property line than a building could be erected in the same use district as set forth in the Borough's Zoning Ordinance.

SECTION 14. FENCING AND LOCKS.

A. Every pool now existing or hereafter constructed or installed within the Borough shall be completely surrounded by a fence or wall not less than four (4) feet in height; provided, however, that, in the case of a wading pool, the requirements of this section shall not apply, if but only if, the wading pool is drained or covered when not in use.

1. The fence shall be so constructed for any pool as not to have openings, holes or gaps larger than four (4) inches in any dimension, except for doors and gates, and if a picket fence is erected or maintained, the horizontal spaces shall not exceed four (4) inches.
2. A dwelling house or accessory building may be used as a part of such enclosure.
3. The side of an aboveground pool may be used as a fence or part of a fence, provided that it is at least four (4) feet in height and the ladder or stairs to said pool is removed when such pool is not in use.
4. All gate or door openings through a fence or wall shall be equipped with a lock operated by a key, keeping the gate closed and locked at all times when the pool is not in use, except that the door of any dwelling house which

forms a part of the enclosure need not be so equipped.

- B. Owners of any pool in existence or in the process of construction as of the effective date of this Ordinance shall within ninety (90) days after the effective date of this Ordinance comply with the fencing requirements contained herein.

SECTION 15. LIGHTING.

All lighting used to illuminate any pool shall be so arranged and shaded as to reflect light away from adjoining premises. All underwater lighting shall, at the time of installation, comply with the equipment, installation and maintenance standards of the Electrical Inspection Bureau of the Fire Underwriters, and a duplicate copy of any inspection reports made by such an agency or its successor shall be filed by the owner of the pool within thirty (30) days of its receipt with the Building Inspector.

SECTION 16. NOISE.

Any machine or device for the reproducing, producing or amplifying of sound in such manner as to disturb the peace and quiet and comfort of any neighboring activity or residents is unlawful and prohibited.

SECTION 17. INSPECTIONS.

The Building Inspector shall inspect or cause to be inspected all pools at such times as he deems necessary to carry out the intent of this Ordinance. The Building Inspector is hereby

authorized to enter upon any premises to take such samples of water from such pools at such times as it may deem necessary and to require the owner to comply with the provisions of this Ordinance. The Building Inspector shall have the power to suspend the construction or use of said pool until such time as the provisions of this Ordinance are fully complied with.

SECTION 18. VIOLATIONS AND PENALTIES.

Any person, firm, corporation, association or other entity that violates Section 8 of this Ordinance shall forfeit and pay to the Borough for each and every separate offense a sum of not less than fifty dollars (\$50.00) nor more than six hundred dollars (\$600.00) to be used for and recovered as other fines and penalties are now by law recoverable and, in default of payment of the fine and costs of prosecution, shall be committed to the county jail for a period not exceeding ninety (90) days. All other violations of this chapter shall be subject to a maximum fine of one thousand dollars (\$1,000.00) or a maximum term of imprisonment of ninety (90) days.

SECTION 19. ADDITIONAL RELIEF; NUISANCES.

No provision of this Ordinance shall prevent the Borough from instituting proceedings and seeking relief in the courts of equity of the commonwealth if the Borough shall deem such action necessary to abate any violation of this Ordinance which constitutes a public nuisance.

SECTION 20: VALIDITY.

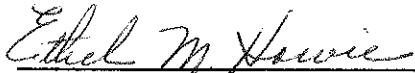
The provisions of this Ordinance are severable and if any of its provisions or any part of any provision shall be held unconstitutional or otherwise held to be invalid, the decision of the Court shall not affect or impair any of the remaining provisions. It is hereby declared to be the intent of Borough Council that this Ordinance would have been enacted had such unconstitutional provisions or parts thereof not been included herein.

ORDAINED AND ENACTED this 7th day of December,

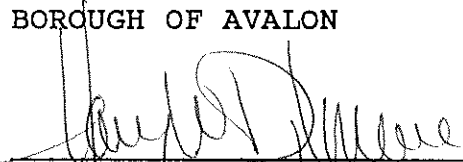
1999.

ATTEST:

BOROUGH OF AVALON

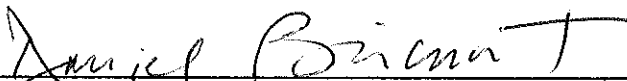


Ethel M. Howie
Assistant Secretary



HARRY W. DILMORE
President

Examined and approved by me this 16th day of
November, 1999.



Daniel K. Bricmont, Esq., Mayor