

Chapter 23

Swimming Pools

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Part 1**Construction and Installation of Swimming Pools****§23-101. Scope.**

This Part shall regulate any constructed or erected in ground or aboveground pool which is used, or intended to be used as either a permanent or seasonal swimming or wading pool in connection with family residence available to the family of the householder and/or his or her private guests. It shall also regulate any inflatable or other “temporary” pool which can hold more than 12 inches of water and which is used, intended to be used, or maintained with 12 inches or more of water in it for any period of time exceeding 24 hours. As used throughout this Part, the term “permanent swimming pool” shall include any pool, vessel, or other body of water, whether in ground or above ground, which is intended to be maintained either permanently or seasonally or which is otherwise intended to or does hold 12 inches or more of water for any one period in excess of 24 hours.

(*Ord. 268, 5/2/1978, §1; as amended by Ord. 427, 4/4/2006*)

§23-102. Permit Required; Definition of “Permanent Pool.”

Any swimming pool or appurtenance thereto shall not be constructed, installed, enlarged, or altered until a permit has been obtained from the Building Inspector. Further, the approval of all County and State authorities having jurisdiction over swimming pools shall be obtained before applying to the Building Inspector for a permit. Certified copies of these approvals shall be filed as part of the supporting data for the application for the permit. “Permanent pool” shall be defined as a pool constructed and maintained by a property owner in excess of 30 days.

(*Ord. 268, 5/2/1978, §2*)

§23-103. Fence Required.

1. Beginning on the effective date of this Part, it shall be unlawful for any person, partnership, or corporation or other legal entity owning or possessing land in the Township of Baldwin to erect, construct, or maintain, or allow or assist another to maintain, for any period of time exceeding 24 hours, any swimming or wading pool, fish pond, or other body of water which contains 12 inches or more of water at any point, unless said person owning or possessing such land shall have obtained a permit from the Township Code Official for same and shall have erected and maintains thereon an adequate fence enclosure either surrounding the property or pool or pond area, which is sufficient to make such body of water inaccessible to small children. Portable pools, including inflatable pools, which are 12 feet or less in diameter and which have a maximum depth capacity of 30 inches or less, shall be exempt from the fencing requirement, provided that such pool shall be equipped with and the owner utilizes an adequate cover to prevent access by children of tender age during any period that the pool is unattended by responsible individuals. [*Ord. 427*]

2. Such fencing enclosure, including gates therein, must not be less than 4 feet above the underlying ground; all gates must be self-latching with latches placed 4 feet

above the underlying ground or otherwise made inaccessible from the outside to small children.

3. Other protective devices approved by the Board of Commissioners of the Township of Baldwin may be used so long as the degree of protection afforded by the substituted devices or structures is not less than the protection afforded by the fence enclosure, gate, and latch described herein. Said fencing enclosure shall be so constructed as to have no opening, mesh, hole, or gap larger than 2 inches in any dimension, except for doors and gates; provided, however, that if a picket fence is erected or maintained, the horizontal dimension of any gap or opening shall not exceed 3 inches.

A. No fence of any kind or material shall be constructed or maintained which shall contain projections of any kind at any point on the outer surface of said fence.

B. A dwelling house or accessory building may be used as part of such enclosure.

C. Gates and doors shall be locked when the pool is not in use or is unguarded or unattended.

D. Nothing herein contained shall be construed to require the construction of an additional wall or fence enclosure where, in lieu thereof, the entire premises or the part thereof wherein the pool is contained shall be fully enclosed by a wall, or fence enclosure which meets the specifications set forth herein.

E. Any mechanical equipment, such as pumps, filters, or electrical devices, which is part of a pool facility shall be within the enclosure or shall be similarly enclosed so as to forestall persons gaining entry to the pool by climbing over the equipment.

(*Ord. 268, 5/2/1978, §3; as amended by Ord. 427, 4/4/2006*)

§23-104. Safety Regulations.

The following additional safety regulations shall apply for every permanent swimming pool within this Township.

A. Every swimming pool shall be equipped with life rings, life preservers, or other flotation devices readily available and functional for emergency use.

B. Any mechanical equipment such as pumps, filters, and electrical devices shall be adequately enclosed so as to protect all persons from electrical shock and physical injury.

C. No exposed electrical wire shall be nearer than 6 feet to the water's edge, or shall any exposed and permanently installed electrical wire within 25 feet from the water's edge of the pool be less than 10 feet above the ground, nor shall wires of any kind cross or be over the water surface unless otherwise approved by the Building Inspector. Any underwater lighting shall be accomplished by the use of methods and materials approved for such purposes by the National Board of Fire Underwriters.

(*Ord. 268, 5/2/1978, §4*)

§23-105. Time Permitted for Compliance.

All owners of land upon which are currently erected swimming pools, fish ponds,

or bodies of water coming within the provisions of this Part shall have 30 days from the effective date of this Part to comply with the safety requirements set forth herein under §§23-103 and 23-104 of this Part.

(Ord. 268, 5/2/1978, §1)

§23-106. Enforcement and Inspection.

It shall be the duty of the Building Inspector to enforce the provisions of this Part. The Building Inspector or his duly authorized agent is hereby authorized to enter, at reasonable times, with the knowledge of and accompanied by the owner or operator, upon the premises of private swimming pools to inspect the premises for compliance with the provisions of this Part. In the event that any such inspection reveals a failure of compliance with this Part, the Building Inspector shall have the power to abate or cause the suspension of the use of such pool until such time as the pool and premises are made to comply with the provisions of this Part and are no longer a nuisance, a menace, or a hazard to health or safety.

(Ord. 268, 5/2/1978, §6)

§23-107. Penalties.

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

(Ord. 268, 5/2/1978, §7; as amended by Ord. 427, 4/4/2006)

Part 2**Whitehall Borough Pool****§23-201. Application for Season Pass; Fees.**

Any resident of the Township of Baldwin desiring a season pass for use of the Whitehall Borough Swimming pool shall make application therefor to the Township on forms provided by the Township Secretary, and shall pay a fee in an amount as established from time to time by resolution of the Board of Commissioners.

(*Ord. 236, 6/4/1974, §1; as amended by Ord. 427, 4/4/2006*)

§23-202. Compliance with Regulations.

All residents of the Township of Baldwin who apply for and receive season passes for use of the Borough of Whitehall swimming pool agree to abide by whatever regulations the Borough Council of the Borough of Whitehall adopt for the use of said swimming pool. All passes issued pursuant to this Part shall be subject to the regulations adopted and enforced by the Borough of Whitehall and the swimming pool manager.

(*Ord. 236, 6/4/1974, §2*)

§23-203. Pass Non-transferable.

No season pass issued pursuant to §23-201 of this Part will be transferable.

(*Ord. 236, 6/4/1974, §3*)

§23-204. Penalties.

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

(*Ord. 236, 6/4/1974, §4; as amended by Ord. 427, 4/4/2006*)

