

ARTICLE XII
Swimming Pools

§ 205-53. Definitions.

The following words shall have the following definitions when used in this article:

ABOVEGROUND POOL — Any pool, as defined below, all sides of which shall extend to a height of four feet or greater above ground.

POOL — Any pool, tank or plunge of a permanent, temporary or portable nature, having a water surface area in excess of 100 square feet or capable of being filled to a water depth in excess of 24 inches and used, designed, operated or maintained for swimming, bathing or wading purposes within the Township. "Pool" includes all appurtenances thereto, typically decks and raised walkways, and includes every such existing pool, even though abandoned or no longer in use, but does not include a natural body of water.

PORTABLE POOL — Any pool, as defined above, prefabricated construction and not permanently installed or attached to the ground or other structure.

§ 205-54. Scope and application.

The application of the provisions herein to a permanently installed swimming or bathing pool constructed prior to the passage of this chapter shall be as follows:

- A. Such pools shall not be subject to the requirements under § 205-56 hereof, pertaining to distances of pools from boundary lines, etc., unless an enlargement of facilities is sought.
- B. Such pools shall be exempt from the requirements under § 205-55 herein, pertaining to permits, unless an enlargement of facilities is sought. Such pools, however, shall be subject to all the provisions and regulations relating to the safety considerations relating to the construction and maintenance of fencing set forth in § 205-57.

§ 205-55. Permit required.

Generally, No person shall construct, install or maintain a private pool without first obtaining a construction permit from the Construction Official. All applications for permits shall be filed on such form or forms as may be required by the Construction Official.

§ 205-56. Location.

- A. No pool shall be constructed or installed within 10 feet of any property line except as provided in Subsection B.
- B. In lots having a width of less than 80 feet at the building line, upon which an existing dwelling is located, no pool shall be installed within five feet of any property line.
- C. No pool shall be installed within 30 feet of any street line or closer to the street than the existing building setback line, whichever is greater.
- D. No private swimming pool shall be constructed or installed on any lot unless the applicant's residence building is also maintained on that lot or an adjacent lot.
- E. No swimming pool shall be constructed within 12 feet of the foundation wall of any dwelling, whether such dwelling shall be on the same premises on which the swimming pool is to be constructed or on an adjacent premises.

§ 205-57. Fences; lighting. [Amended 4-15-2009 by Ord. No. 2009-10]

- A. Generally. Every below-ground pool shall, at all times, be fully surrounded by a substantial fence, wall or other enclosing structure (or barrier of thick set hedge approved by the Construction Official) not less than 48 inches in height and grade, so constructed as to prevent effectively unauthorized access by children. Said structure shall not have openings, holes or gaps larger than two inches measured horizontally, except for doors and gates. The doors and gates shall also be of substantial construction and not less than 48 inches in height and grade, and shall be equipped with self-closing, self latching locking devices, capable of keeping such doors and gates closed and locked at all times. Such doors and gates shall be kept locked except when the pool is in authorized use.
- B. Aboveground pools. All access points to aboveground pools shall be completely enclosed by a fence of at least 48 inches in height and grade meeting the specifications set forth in Subsection A.
- C. Lights used to illuminate any pool shall be so situated so as not to create any adverse off-site glare condition or excessive illumination levels for adjoining properties.

§ 205-58. Drainage.¹ [Added 4-15-2009 by Ord. No. 2009-10]

- A. Generally. All swimming pools with a water depth of more than three feet, hereinafter constructed, installed, or maintained shall be provided with the necessary equipment to completely pump out or empty said pool, either directly or by way of street or road, to either a storm sewer catch basin, lawn watering system, adequate dry well or sand filtering pit on the premises on which the pool is located.
- B. Discharge. No pool drain shall be connected to the sanitary sewer system. The discharge of said waters shall in no way cause or create a nuisance to the abutting property or to the public.
- C. Any person who shall violate any of the provisions of this § 205-58, upon conviction, shall be subject to a fine of not more than \$500, imprisonment for a term not exceeding 90 days or a period of community service not exceeding 90 days, or any combination thereof in the discretion of the Municipal Court Judge. Each day on which a violation of this section exists shall be considered to be a separate and distinct violation and subject to the imposition of a separate penalty for each day of the violation, as the Municipal Court Judge may determine.