

TOWNSHIP OF WEST BRADFORD

SWIMMING POOL ORDINANCE

PROPOSED ORDINANCE 77-2

AN ORDINANCE REQUIRING THE ENCLOSURE OF SWIMMING POOLS
WITHIN THE TOWNSHIP, DESCRIBING THE TYPE OF SUCH FENCING
PERMITTED AND PROVIDING FOR PENALTIES FOR NON-COMPLIANCE.

SECTION I - WHEREAS, THE Zoning Ordinance and other Regulations of the
Township of West Bradford permit swimming pools constructed and installed
in accordance with such Regulations: and

WHEREAS, there are swimming pools within the Township and:

WHEREAS, unfenced swimming pools constitute a clear and present danger
and hazard, the protection against which is authorized by the Second
Class Township Code and other laws of the Commonwealth of Pennsylvania
in furtherance of the Township's power and duty to protect and safeguard
the health, welfare and general safety of Township residents: and

WHEREAS, the installation of suitable fencing represents a minimal expenditure
by the owners of properties upon which swimming pools are situate, in relation
to the importance of the objectives to be attained thereby.

SECTION II - THEREFORE, it is hereby enacted and ordained by the Township
of West Bradford as follows:

a. Definition. "Swimming pool" for the purposes of this Ordinance
shall be defined as any man-man recreational enclosure used for swimming,
wading or bathing, not located within a completely enclosed building, and
containing, or normally capable of containing water to a depth at any point
greater than one and one-half ($1\frac{1}{2}$) feet. Farm ponds and/or lakes are not
included, provided that swimming is not the primary purpose for their use.

b. Every person owning land on which there is situated a swimming
pool, shall erect and maintain thereon an adequate enclosure either surrounding
the property or pool area, sufficient to make such body of water inaccessible
to small children. Such enclosure, including gates therein, must be not less
than four (4) feet above the underlying ground; all gates must be self-closing
and self-latching with latches placed four (4) feet above the underlying ground
or otherwise made inaccessible ~~for~~ from the outside to small children.

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A natural barrier, hedge or other protective device approved by the Township 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 enclosure, gate and latch described herein.

c. Property owners shall be required to install such fencing within forty-five (45) days after the effective date of this Ordinance.

SECTION III - Unlawful Drainage from Swimming Pools. It shall be unlawful to empty or drain swimming pools into the storm or public sewerage system or into or upon the streets and/or roads of the Township of West Bradford.

SECTION IV

a. The Township shall have the right of entry during business hours, to inspect any and all swimming pools or portion thereof for compliance with this Ordinance.

b. Swimming pools not so enclosed or not properly drained shall constitute a nuisance, subjecting the property owners to a fine of \$300.00 for each offense upon conviction of violating the Ordinance, before the appropriate District Justice of the Peace. Each day's violation of this Ordinance shall constitute a separate offense. In addition, the Township, after five (5) days notice to the landowner, shall have the right to take whatever action is appropriate under the circumstances, including, but not limited to, draining the swimming pool, contracting for the erection of a suitable fence -- charging the property owner therefor, as a Municipal Lien, and such other legal or equitable relief as may be proper and appropriate under the circumstances.

TOWNSHIP OF WEST BRADFORD

BOARD OF SUPERVISORS

ATTEST:

Robert B. Mollin
Secretary
July 12, 1977

Stephen P. Hoyt

Paul J. Dougherty

