

ORDINANCE NO. 01-02

**AN ORDINANCE OF THE TOWNSHIP OF WASHINGTON, FAYETTE COUNTY, PENNSYLVANIA ESTABLISHING STANDARDS FOR ENCLOSURE OF POOLS; ESTABLISHING STANDARDS FOR ELECTRICAL CONNECTIONS; REGULATING THE LOCATION OF POOLS ON PROPERTY; REQUIRING A CONSTRUCTION PERMIT AND FEE AND PRESCRIBING PENALTIES FOR VIOLATION.**

WHEREAS, it is in the best interest of the health, safety and welfare of the residents of Washington Township to help prevent drowning of children in swimming pools and to help prevent injury to individuals by improper electrical facilities and connections in and around swimming pools; and,

WHEREAS, it is in the best interest of the health, safety and welfare of the residents of Washington Township to have swimming pools located at the rear or along side of a dwelling where practicable and away from wells and on-site septic systems.

**BE IT ENACTED AND ORDAINED** by the Board of Supervisors of Washington Township, Fayette County, Pennsylvania and it is hereby enacted and ordained by authority of the same:

**Section 1. Definition.** As used in this ordinance, SWIMMING POOL or POOL is hereby defined as any structure with a floor of at least seventy-five (75 ) square feet capable of holding water erected for the purpose of providing a place for individuals to be in water and having a depth of eighteen (18) inches or more at any one point. As used in this ordinance, FENCE is hereby defined as any vertical structure four (4) feet in height from the ground which would prevent a small child from climbing under or through it. The exterior side of the structure must rise approximately perpendicular from the ground and be relatively flat. A structure does not satisfy this definition if steps make it possible for an individual to ascend the structure.

**Section 2. Applicability.** This ordinance shall apply to all new outdoor swimming pools hereinafter constructed as well as existing swimming pools whether aboveground or in the ground.

**Section 3. Enclosure.** Every swimming pool shall be completely surrounded by a fence, wall or similar enclosure not less than four (4) feet in height. A dwelling or accessory building may be used as part of such enclosure.

All gates or door openings through such enclosure shall be equipped with a self-closing, self-latching device on the pool side for keeping the gate or door securely closed at all times when not in use, except that the door of any dwelling or accessory building which forms a part of the enclosure need not be so equipped. The fence shall surround the pool and the deck area.

**Section 4. Location on the Property.** A swimming pool shall be located at the rear of a dwelling or along the side of the dwelling where practical.

No swimming pool or appurtenances including decks and shelters shall be erected nearer to any property line than permitted by the zoning ordinance.

No swimming pool shall be so located as to interfere with the operation of a well or on-site septic system, or to be located where there is potential danger of a septic system discharging into the pool or onto the adjacent area around the pool.

**Section 5. Aboveground Pools.** All aboveground pools having walls less than four (4) feet shall be enclosed in accordance with the provisions of this ordinance.

Aboveground pools having walls four (4) feet or greater in height may be excluded from the fencing requirement provided such pools are equipped with access ladders which may be raised and locked in a near vertical position when the pool is unattended. An aboveground pool as described in this paragraph which is served by a ladder or steps which cannot be raised and locked so as to prevent access by small children shall be enclosed in accordance with section 3.

**Section 6. Electrical Connections.** All electrical installations shall conform to the specifications of the National Electrical Code. No electric wires or conductors shall cross, either overhead or underground, on any part of a swimming pool, nor shall an electric wiring be installed parallel to any pool wall closer than five (5) feet, if underground, unless enclosed in a rigid conduit, or within five (5) feet, if overhead.

All underwater lights must be watertight, self-contained units with ground connections running from a waterproof junction box to a proper grounding facility or medium. All underground electric wires supplying current to said lights within a distance of five (5) feet of the pool wall or walls shall be enclosed in rigid conduits. All metal fences, enclosures or railings, near or adjacent to a swimming pool, which might become electrically charged as a result of contact with broken overhead conductors, or from any other cause, shall be effectively grounded.

Within five (5) days of completion of the installation of a swimming pool, the Owner shall provide to the Township Secretary or zoning officer a written certification from an electrical engineer or registered electrician that all electrical connections have been installed in accordance with the provisions of this ordinance.

**Section 7. Notice of Violation.** Where the Township finds that the provisions of this Ordinance are being violated, the Township shall notify in writing the persons responsible for the violation, indicating the nature of the violation and ordering the action and the maximum number of days necessary to correct it. If the Notice of Violation is not complied with, the Township shall institute the appropriate legal proceedings to correct the violation.

**Section 8. Penalties.** Any person, firm or corporation who shall violate any provision of this ordinance shall, upon conviction thereof, be sentenced to pay a fine not more than one thousand

(\$1,000.00) dollars, and in default of payment, to imprisonment for a term not to exceed thirty (30) days. The fines and costs imposed hereby shall be collected in action brought before a district justice in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure. The Township of Washington specifically authorizes and reserves all other remedies permitted or recognized at law or equity, including injunctive relief necessary to enforce this Ordinance.

**Section 9. Construction Permit and Approval.** Before any work is commenced on the construction of a swimming pool (aboveground or below ground) or on any alteration, addition, remodeling or other improvement to a swimming pool, an application for a permit for construction, together with plans and specifications pertinent to the construction, as well as explanatory data, shall be submitted to the zoning officer. No part of the work shall be commenced until approval has been granted the applicant by a written permit. The fee for such permit shall be fixed pursuant to a resolution of the Supervisors of Washington Township.

**Section 10. Repealer.** All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed.

**Section 11. Severability.** If any sentence, clause, section, or part of this ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this ordinance. It is hereby declared as the intent of the Supervisors of Washington Township that this ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

**Section 12. Effective Date.** This ordinance shall become effective on the date of adoption.

**ORDAINED AND ENACTED** by the Supervisors of Washington Township at a regular meeting, a quorum being present, this 11th day of April, 2001.

BOARD OF SUPERVISORS OF WASHINGTON  
TOWNSHIP, FAYETTE COUNTY,  
PENNSYLVANIA

BY: Melvin Allen Weiss  
Melvin Allen Weiss, Chairman

BY: John C. Yetsconish  
John C. Yetsconish

BY: Joanne Latkanich  
Joanne Latkanich