

**Chapter 116****SWIMMING POOLS**

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**[HISTORY: Adopted by the Board of Commissioners of the Township of Upper St. Clair at time of adoption of Code 8-2-76 by Ord. No. 632; see Ch. 1, Adoption of Township Code. Amendments noted where applicable.]**

**GENERAL REFERENCES**

**Definitions and rules of interpretation - See Ch. 3.**  
**Building construction - See Ch. 51.**  
**Zoning - See Ch. 130.**

**§ 116.1. Definitions.**

116.1.1. As used in this chapter, the following terms shall have the meanings indicated: PRIVATE SWIMMING POOL - Any swimming pool designed, used and maintained for swimming purposes by an individual for use by his household and guests without fees, and located on property owned, leased or otherwise used and maintained by the owner of said swimming pool.

SWIMMING POOL - A body of water in an artificial or semiartificial receptacle or other container, whether located indoors or outdoors, in-ground or aboveground, having a depth at any point of more than eighteen (18) inches or a surface area of more than one

hundred (100) square feet used or intended to be used for private swimming by adults or children, or by both adults and children.

WADING POOL - Any artificially constructed pool intended for use by children, not designed or used for swimming, with a maximum area of one hundred (100) square feet or a maximum water depth at any point of eighteen (18) inches.

116.1.2. As used in this chapter, the following terms shall have the meanings assigned to them in Chapter 130, Zoning: "accessory building," "front yard," and "side yard."

**§ 116.2. Permit required; fee.**

It shall be unlawful for any person to construct, install, establish or maintain, alter, remodel, reconstruct or operate a private swimming pool without having obtained a permit therefor in the manner prescribed herein:

116.2.1. The application for a permit shall be submitted to the Zoning Administrator on forms supplied by the township, together with two (2) sets of plans and specifications setting forth the details of the construction and a plot plan showing:

116.2.1.1. The location of the pool on the lot.

116.2.1.2. The location of buildings on the lot.

116.2.1.3. Fencing, existing and planned, and the height and aperture dimensions thereof.

116.2.1.4. Such other dimensions, descriptions and information as will provide assurance of conformance with intent and requirements of this chapter, of Chapter 130, Zoning, and of all other applicable regulations of the township.

116.2.2. The fee for each permit shall be as provided in Ch. 57, Fees. **[Amended 4-4-83 by Ord. No. 1026]**

116.2.3. Upon approval of the plans and specifications, one (1) set of each, so marked, will be returned to the applicant and must be kept on the site with the permit during construction, available to the Zoning Administrator. No change in the same shall be made without written notification to and approval, in writing, by the Zoning Administrator.

**§ 116.3. Zoning Requirements. [Amended 7-1-91 by Ord. No. 1504]**

Swimming pools may be allowed in accordance with the provisions set forth in Chapter 130, entitled Zoning.

**§ 116.4. Enclosure of pools.**

116.4.1. All swimming pools now existing or hereafter constructed, installed, established or maintained, with the exception of wading pools, shall be completely and continuously enclosed by a permanent durable wall, fence or barrier which shall be no more than six (6) feet nor less than four (4) feet in height above grade, and shall be so constructed as to have no opening, mesh, hole or gap larger than two (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 three (3) inches.

116.4.1.1. All fences shall be constructed in accordance with applicable requirements of Chapter 130, Zoning.

116.4.1.2. 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.

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

116.4.1.4. All gates used in conjunction with any of the above described enclosures shall conform to the specifications required above as to height and dimensions of openings, mesh, holes or gaps in the case of fences, and all gates and doors shall be equipped with self-closing and self-latching devices for keeping the gate or door securely closed at all times when not in actual use, provided that the door of any dwelling which forms part of the enclosure need not be so equipped.

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

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

116.4.1.7. 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 from gaining entry to the pool by climbing over the equipment.

116.4.2. Every outdoor wading pool shall be enclosed by a durable wall, barrier or fence, as described in the preceding subsection, unless such outdoor wading pool be:

116.4.2.1. Emptied when not in use or unattended; or

116.4.2.2. Covered with a suitable, strong, protective covering fastened or locked in place when not in use or unattended. A cover shall be considered to be of sufficient strength and securely fastened or locked in place if, when fastened or locked in place, it will support a minimum dead weight of two hundred (200) pounds.

116.4.3. The Zoning Administrator may make modifications in individual cases, upon good cause being shown, with respect to the height, nature or location of fences, walls, gates or latches, or the necessity therefor, provided that the protection sought hereunder is not reduced thereby. The Zoning Administrator may permit other protective devices or structures to be used so long as the degree of protection afforded by the substitute devices or structures is not less than the protection afforded by the wall, fence, gates and latches required herein.

**§ 116.5. Safety and sanitation.**

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

116.5.2. 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.

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

116.5.4. The buildings, grounds, dressing rooms and all other swimming pool facilities shall be kept clean and in a sanitary condition and maintained free from garbage, trash and other refuse.

**§ 116.6. Pool drainage and discharges. [Amended 7-1-91 by Ord. No. 1504]**

116.6.1. All discharge or drainage of water from a swimming pool whether existing or proposed shall be into the sanitary sewer system

116.6.2. Where discharge or drainage from an existing swimming pool to the sanitary sewer system is infeasible, the Township Manager or his designated representative shall determine the method and manner of discharge of water.

**§ 116.7 General regulations. [Amended 8-29-77 by Ord. No. 715<sup>1</sup>]**

116.7.1. Vacant residences. All private swimming pools shall be drained and maintained free of water or safely covered during the period that the property is vacant or unoccupied. This subsection shall not be applicable during reasonable temporary absences by the owner or operator of any swimming pool.

116.7.2. Polluted water. No body of water, whether it be a natural or artificial body of water, in the township shall be used for swimming or bathing purposes, by any person or persons, which contains sewage, waste or other contamination or polluting ingredients rendering the water hazardous to the health, safety or welfare of such person or persons.

**§ 116.8. Enforcement; inspections.**

It shall be the duty of the Zoning Administrator to enforce the provisions of this chapter. The Zoning Administrator 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 chapter. In the event that any such inspection reveals a failure of compliance with this chapter, the Zoning Administrator shall give the owner or other person responsible for the operation of a pool and premises notice of his findings, and the Zoning Administrator 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 chapter and are no longer a nuisance, menace or hazard to health or safety.

**§ 116.9. Violations and penalties.**

Any person who shall construct, alter, repair, maintain or operate a swimming pool without obtaining a permit as required by this chapter, or who shall fail to comply with any of the requirements of the permit of this chapter or of the Zoning Administrator, or who shall in any way violate any of the provisions of this chapter, shall be subject to the provisions of Chapter 5, Enforcement of Ordinances; Penalties. Whenever such person shall have been notified by the Zoning Administrator or by service of summons in prosecution, or in any other way, that he is committing such a violation of this chapter, each day in which he shall continue such violation after such notification shall constitute a separate offense, punishable as provided in said Chapter 5.

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<sup>1</sup>Editor's Note: This ordinance also provided for the repeal of former § 116.9, Appeals and remedies, and the renumbering of former § 116.10, Violations and penalties, to become § 116.9.