

**BEFORE THE BOROUGH COUNCIL OF
THE BOROUGH OF MOHNTON**

ORDINANCE NO.

BILL NO. 948

**AN ORDINANCE OF THE BOROUGH OF MOHNTON ADOPTING A SWIMMING
POOL ORDINANCE WHICH SETS FORTH THE DEFINITIONS AND USE
REGULATIONS OF SWIMMING POOLS WITHIN THE BOROUGH OF MOHNTON,
ESTABLISHES RESTRICTIONS, AND PROVIDES PENALTIES FOR VIOLATIONS
THEREOF.**

WHEREAS, the Borough of Mohnton is a Borough organized and operating under the laws of the Commonwealth of Pennsylvania and the Borough of Mohnton Code of Ordinances; and

WHEREAS, the Borough Council of the Borough of Mohnton, Berks County, Pennsylvania, finds that unregulated use of swimming pools within the Borough limits represents a potential health and safety hazard; and

WHEREAS, the Borough Council of the Borough of Mohnton desires to adopt a Swimming Pool Ordinance in Chapter 23 of the Borough of Mohnton Code of Ordinances, which will provide definitions and regulations for the use of swimming pools within the Borough, establish restrictions, and provide penalties for such restrictions; and

WHEREAS, the Borough Council of the Borough of Mohnton may, under the general authority of the Code of Ordinances, enact regulations to ensure the health, safety, and general welfare of the citizens of the Borough of Mohnton; and

WHEREAS, the Borough Council has determined that it would benefit the health, safety, and general welfare of the citizens of the Borough of Mohnton to adopt a Swimming Pool Ordinance in Chapter 23 of the Borough of Mohnton Code of Ordinances; and

NOW, THEREFORE, BE IT ORDAINED AND ENACTED that the Borough Council of the Borough of Mohnton adopts a Swimming Pool Ordinance in Chapter 23 of the Borough of Mohnton Code of Ordinances as follows:

CHAPTER 23

SWIMMING POOLS

Part 1

General Regulations

- §101. Definitions and Interpretations**
- §102. Regulation of Pools**
- §103. Violations**
- §104. Effective Date**

Part 1

General Regulations

§101. Definitions and Interpretations

1. PERSON – Any individual, group of individuals, a partnership, firm, association or any entity.
2. POOL – Either a Public Swimming Pool or a Residential Private Swimming Pool.
3. PUBLIC SWIMMING POOL – Any swimming pool other than a residential private pool or a commercial private pool which is used or intended to be used for the purposes of swimming and/or bathing by members or guests of the association owning the pool.
4. RESIDENTIAL PRIVATE SWIMMING POOL – Any constructed pool, permanent or portable, which is used or intended to be used as a swimming pool in connection with a single-family residence and available only to the family of the household and their guests, and which has a depth of more than eighteen (18) inches.
5. SPA – Any body of water in a constructed receptacle specifically made for the purpose of human bathing located on the exterior of the building.

§102. Regulation of Pools.

All pool systems, both public and private, shall be operated and maintained to keep the water clean and sanitary. The following operational procedures are required:

1. **Compliance.** All public pools and spas shall perform the required tests and maintain the records as required in the Pennsylvania Code, Chapter 18.
2. **Filling.** All pools, both private and public, shall be filled from the municipal water system service connected for the property where the pool is located unless other methods are approved in advanced by the Borough.
3. **Drainage.** All pools and spas, including portable pools, shall be drained into the sanitary sewer system. Furthermore, it shall be a violation of this ordinance for any person to drain a pool or spa so that the discharge flows onto an adjacent or neighboring property, or so that the discharge effects the riparian rights of adjacent or neighboring property owners.
4. **Cleaning.** Visible dirt on the bottom of any pool or spa shall be removed from the pool or spa at least once per day. Visible scum or floating matter on the surface shall also be removed at least once per day. All pools and spas shall be thoroughly cleaned at least once per week to maintain sanitary conditions.
5. **Polluted Water.** No body of water, whether it be a natural or an artificial body of water, which contains sewage, waste or other contaminating or polluting ingredients rendering the water hazardous to health shall be used for swimming or bathing purposes by any person or persons.
6. **Inspections.** The Borough Manager or Borough Health Official shall have the right to inspect, or cause to be inspected, all public and private swimming pools and all outdoor spas at

such times as deemed necessary to carry out the intent of this Part. The Borough Manager, the Borough Health Official or their designated agent are hereby authorized to enter upon any premises, public or private, for the purpose of such inspection and to take samples of the water from such pools, ponds or spas at such times as deemed necessary. The Borough Manager, the Borough Health Official or their designated agent are hereby authorized to require the owner, proprietor or operator of a pool or spa to comply with the requirements of this Part. In the event of the failure of compliance, the Borough Manager shall have the power to abate or cause a suspension of the use of such pool or spa until such time that, in the opinion of the Borough Manager, the use of said pool or spa is no longer a menace or hazard to the health, safety or morals of the public.

§103. Violations.

The violation of any provisions of this Part shall constitute a summary offense. The violator shall, upon conviction, be subject to a fine of not less than \$200 and not more than \$500, plus the costs of prosecution, and, in default of payment of such fines and costs, to imprisonment for not more than 30 days. Each day's continuance of a violation shall constitute a separate offense.

§104. Effective Date.

This Ordinance shall take effect immediately as provided under law.

APPROVED AND ADOPTED this 14 day of September, 2022, by the Borough Council of the Borough of Mohnton, Berks County, Pennsylvania, at a regular public meeting.

**BOROUGH COUNCIL
BOROUGH OF MOHNTON**

By: _____

Jonathan Davis, President

Date: _____, 2022

ATTEST:

Veronica Henry

Veronica Henry, Secretary

AND NOW, TO WIT, this 14 day of September, 2022, the above is approved.

Eric Burgis

Eric Burgis, Mayor