

CHAPTER 23

SWIMMING POOLS

PART 1

FENCES AND ENCLOSURES

- §101. Adequate Fence or Enclosure Required**
- §102. Retention of Water Prohibited Without Fencing or Enclosure**
- §103. Permit**
- §104. Conformance**
- §105. Failure to Comply**
- §106. Penalties**

PART 1

FENCES AND ENCLOSURES

§101. Adequate Fence or Enclosure Required.

Each person, firm or corporation hereafter owning or occupying land on which there is situated a swimming pool, fish pond or other body of water, exclusive of natural streams or flood control detention ponds which contain water 26 inches or more in depth at any point, shall erect and maintain thereon an adequate fence or other enclosures with no external handholds or footholds, sufficient and strong enough to make such body of water inaccessible to small children. Such enclosure, including gates or doors, shall be not less than four feet above the underlying ground or surface and shall not have openings, holes or gaps greater than two inches in any dimension. A dwelling house or other building may be used as part of or all of such enclosure. Each gate or door shall be provided with hardware for permanent locking devices and shall be self-closing and self-latching with the latch located at least four feet above the underlying ground or surface, or if operable only from the inside the latch may be located at least 44 inches above the underlying ground or surface.

(Ord. 901, 9/12/1972, §1)

§102. Retention of Water Prohibited Without Fencing or Enclosure.

No person, firm or corporation shall put or allow any water in any depth to remain in any swimming pool, fish pond or other body of water, exclusive of natural streams or flood control detention ponds, capable of containing a depth of water of 26 inches or more at any point, without the erection, construction and completion of a fence or enclosure as described in §101, hereof.

(Ord. 901, 9/12/1972, §2)

§103. Permit.

Prior to the installation, construction or use of any such swimming pool, fish pond or other body of water, exclusive of natural streams or flood control detention ponds, by any person, firm or corporation owning or occupying the land upon which the same is situated, such person, firm or corporation shall obtain a permit from the Borough Manager. No such permit shall issue unless and until the applicant furnishes a statement as to the nature and description of the proposed fence or enclosure required by this Part. A permit fee, as established from time to time by resolution of by Borough Council, shall be paid by the applicant.

(Ord. 901, 9/12/1972, §3; as amended by Ord. 1185, 5/13/1997)

§104. Conformance.

Any existing swimming pool, fish pond or other body of water, exclusive of natural streams or flood control detention ponds, which does not conform to the provisions of this Part shall be brought into compliance herewith within 60 days after the adoption and approval of this Part.

(Ord. 901, 9/12/1972, §4)

§105. Failure to Comply.

In the event of the failure to comply, after due notice, with the provisions of this Part, the Borough Council of the Borough of Wyomissing shall have the power to abate or cause the suspension of the existence and/or use of such swimming pool, fish pond or other body of water, exclusive of natural streams or flood control detention ponds, until such time that the same complies with this Part.

(Ord. 901, 9/12/1972, §5)

§106. Penalties.

Any person, firm or corporation failing, neglecting or refusing to comply with any of the provisions of this Part shall, in addition to the penalties of §105 hereof, upon conviction thereof, be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day a violation of this Part continues shall constitute a separate offense.

(Ord. 901, 9/12/1972, §6; as amended by Ord. 1185, 5/13/1997)