

BOROUGH OF DURYEА
ORDINANCE NO. 2013-4

**ORDINANCE OF THE BOROUGH OF DURYEА, LUZERNE COUNTY,
PENNSYLVANIA, PROVIDING FOR THE MAINTENANCE OF SWIMMING POOLS
WITHIN THE BOROUGH; PROVIDING FOR PENALTIES FOR VIOLATIONS
THEREOF; AND ESTABLISHING AN EFFECTIVE DATE.**

WHEREAS, the Borough of Duryea, is a duly authorized political subdivision of the Commonwealth of Pennsylvania; and

WHEREAS, The Council of the Borough of Duryea is desirous of providing for the health, welfare and safety of Borough residents pursuant to §1202(6) of the Pennsylvania Borough Code.; and

WHEREAS, The Borough Council believes that unmaintained, neglected and abandoned swimming pools are a detriment to the health, comfort, living conditions, welfare and safety of the citizens of the Borough, and that it is in the best interests of the residents of the Borough to implement certain regulations governing and regulating the maintenance of swimming pools within the Borough in order to protect the health, welfare and safety of the residents.

NOW THEREFORE, the Borough Council of the Borough of Duryea does hereby ordain and enacted as follows:

SECTION 1. TITLE: This Ordinance may be cited as the “Duryea Borough Swimming Pool Ordinance”.

SECTION 2. PROPER MAINTENANCE REQUIRED:

All owners of property on which a pool is located shall properly maintain said pool, including adding appropriate chemicals so as to prevent obnoxious odors or conditions suitable for breeding of mosquitoes.

SECTION 3. REQUIREMENTS FOR VACANT PROPERTY OWNERS:

If any property on which there is located any type of swimming pool is vacant for one (1) month, the property owner shall drain all water from said pool.

A. In lieu of draining all water from said pool, the property owner can elect to maintain said pool as set forth in Section 2 herein.

B. The property owner shall further ensure that the pool is properly secured from unauthorized access in accordance with all applicable and local ordinances and regulations.

SECTION 4. NUISANCE PER SE:

Any property owner who fails to maintain his pool or drain or continue to maintain and secure said pool upon the property being vacant for 30 days, and said failure to act creates an obnoxious odor or creates a situation for breeding mosquitoes, shall be considered as maintaining a nuisance per se.

SECTION 5. ENFORCEMENT:

It shall be the duty of the Borough's Police department and/or the Borough Code Enforcement Officer to enforce the terms of this chapter and secure compliance with the requirements thereof. Any authorized officer, agent employee or representative of Duryea Borough may inspect any property located within Duryea Borough for purposes of ascertaining compliance with the provisions of this Ordinance.

SECTION 6. VIOLATIONS AND PENALTIES:

Any person, firm or corporation who shall violate any provision of this chapter shall, upon conviction thereof, be sentenced to pay a fine of not less than One Hundred (\$100.00) Dollars and not more than Six Hundred (\$600.00) Dollars and, in default of payment of said fine, to imprisonment for a term not to exceed Thirty (30) days. Every day that a violation of this chapter continues shall constitute a separate offense. An equitable remedy may also be sought by the Borough Solicitor against any person, firm or corporation in violation of this chapter by filing an appropriate action in the Court of Common Pleas of Luzerne County.

SECTION 7. SEVERABILITY:

The provisions of this Ordinance are severable. If any section, clause, sentence, part or provision of this Ordinance shall be determined to be illegal or invalid by any court or competent jurisdiction, such decision shall not impair or affect the remaining terms, sections and clauses of this Ordinance.

SECTION 8. EFFECTIVE DATE:

This Ordinance shall take effect ten (10) days following the date of enactment.

DULY ENACTED AND ORDAINED into law this 13th day of August, 2013.