

City of Philadelphia



(Bill No. 040870)

AN ORDINANCE

Repealing Section 10-813 of The Philadelphia Code, entitled “Swimming Pools,” and amending Section PM-302.0 of the Philadelphia Property Maintenance Code, entitled “Exterior Property Areas,” to include provisions for the safety and maintenance of swimming pools and enforcement of same under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Title 10 of The Philadelphia Code is amended to read as follows:

TITLE 10. REGULATION OF INDIVIDUAL CONDUCT AND ACTIVITY.

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CHAPTER 10-800. SAFETY.

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§10-813. [Swimming Pools.

(1) License. No owner or occupier of land shall erect or maintain any outdoor swimming pool of any kind, in excess of one (1) foot in height, unless he first obtains a license from the Department of Licenses and Inspections. Any applicant for a license shall pay a fee of two (2) dollars and supply the following information on forms provided by the Department:

(a) the size, location and type of construction of the swimming pool;

(b) whether the swimming pool is enclosed by a fence or other protective devices are employed; and

(c) any other information required by the Department to provide for the protection of the public.

(2) Requirements. Every person owning or occupying land on which a swimming pool is placed, located, constructed or erected shall:

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(a) erect and maintain an enclosure which can be locked, not less than four (4) feet in height around the pool, in order to make it inaccessible to children, when the pool is not in use; or

(b) arrange that a person not less than fifteen (15) years of age is present when the pool contains water; if such person is not in attendance, then the pool shall be emptied and remain so;

(c) cover the swimming pool with appropriate safeguards as provided by regulations of the Department when the swimming pool is not in use.

(3) Penalties. The penalty for violation of any provision of this section shall be a fine of ten (10) dollars, together with costs of prosecution, and imprisonment not exceeding ten (10) days if fine and cost are not paid within ten (10) days.]

Reserved.

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SECTION 2. Title 4 of The Philadelphia Code is amended to read as follows:

TITLE 4. THE PHILADELPHIA BUILDING CONSTRUCTION AND OCCUPANCY CODE

* * *

CHAPTER 4-200. TEXT OF SUBCODES.

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SUBCODE "PM" (THE PHILADELPHIA PROPERTY MAINTENANCE CODE)

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CHAPTER 3. GENERAL PROPERTY AND STRUCTURAL MAINTENANCE.

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PM-302.4 Grading and drainage: All premises shall be graded and maintained to prevent the accumulation of stagnant water thereon, or within any structure, *including any swimming pool or decorative pond*, located thereon.

Exception: Approved water retention areas and reservoirs.

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PM-302.6 Accessory structures: All accessory structures, including detached garages, tool sheds, decks, fences, *swimming pools* and walls, shall be maintained structurally sound and in good repair. *In addition, every person owning or occupying land on which a swimming pool with a depth of 24 inches or greater is placed, located, constructed or erected, shall comply with the following provisions:*

1. erect and maintain an enclosure which can be locked, not less than four (4) feet in height around the pool, in order to make it inaccessible to children when the pool is not in use; or

2. comply with the Philadelphia Building Code requirements for a pool cover, enclosure or other protective device as approved by the code official.

SECTION 3. This Ordinance shall take effect immediately.

Explanation:

[Brackets] indicate matter deleted.
Italics indicates new matter added.

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CERTIFICATION: This is a true and correct copy of the original Bill, Passed by the City Council on December 9, 2004. The Bill was Signed by the Mayor on January 25, 2005.



Patricia Rafferty
Chief Clerk of the City Council