

ORDINANCE NO. 88
**AN ORDINANCE OF HAYCOCK TOWNSHIP, BUCKS COUNTY,
PENNSYLVANIA AMENDING THE ZONING ORDINANCE OF
HAYCOCK TOWNSHIP TO REVISE THE REGULATIONS FOR
FORESTRY, SWIMMING POOLS, SPAS AND HOT TUBS AND THE
REGULATIONS CONCERNING THE ISSUANCE OF CERTIFICATES
OF OCCUPANCY**

BACKGROUND

A. The Haycock Township Board of Supervisors on or about September 26, 1994, duly adopted Ordinance No. 71 revising and restating the Haycock Township Zoning Ordinance as adopted in 1975.

B. Since its adoption, the Zoning Ordinance has from time to time been amended.

C. The Board of Supervisors of Haycock Township deems it in the best interest of the citizens of the Township to amend the Zoning Ordinance to make provisions for posting adequate financial security for the conduct of forestry; to provide additional regulations concerning swimming pools, hot tubs and spas; to revise the regulations concerning accessory apartments; and to require for new residential construction that driveways be installed or adequate financial security posted to ensure their installation.

D. The Board of Supervisors specifically finds and determines that this Ordinance is consistent with the Township Comprehensive Plan and the Community Development Objective stated therein and in the Zoning Ordinance.

NOW THEREFORE, be it ORDAINED AND ENACTED as follows:

Section 1.

A new Section 278.1 is hereby added to state as follows:

Section 278.1 – Swimming Pools, Spas and Related Structures –

- a. Above-ground/on ground swimming pool – A removable swimming pool of any shape that has walls and an impervious liner that is located on the surrounding earth and may be disassembled or stored and reassembled to its original integrity.
- b. Barrier – A fence, wall, a building wall or a combination thereof.
- c. Hot tub/spa -- A structure containing water intended for recreational use, in which all controls, water heating, and water circulating equipment are an integral part of the product.
- d. In-ground pool – A permanent swimming pool in which the surface of the water is approximately level with the surrounding ground surface and the volume of the water is below ground level.
- e. Swimming pool – Any structure, intended for swimming and/or diving purposes, made of concrete, masonry, metal or other man-made impervious material or a combination thereof, in which the water is treated to maintain a sanitary condition, and that has a water depth of 24 inches or more. This includes in-ground, above-ground/on ground swimming pools and hot tubs/spas.

Section 2.

Section 404.A.4 Forestry §a(3)(i) is revised and restated as follows:

“Adequate financial security in an amount determined by the Township Engineer shall be posted to secure the repair of damaged roads.

Section 3.

Section 404.H.2(g) is revised and restated as follows:

- g. Swimming Pools, Spas and Hot Tubs

Swimming Pools

A swimming pool shall be permitted as an accessory to a single-family detached residential use subject to the following:

1. A zoning permit shall be required to locate, construct or maintain a swimming pool.
2. No person, owner, or occupant of land shall install or maintain a swimming pool, spa or hot tub capable of being filled to a depth of twenty-four (24) inches at the deepest or lowest point unless a permit is first obtained by the zoning officer and the required plans and information are filed, together with required permit fees. Ornamental pools and wading pools which do not exceed twenty-four (24) inches in depth are exempt from these provisions. Swimming pools shall include any pool, regardless of design or construction materials or the permanency of its location both above and below ground level, which is built, erected or used for the purpose of bathing or swimming and all buildings, equipment, and appurtenances thereto. This ordinance shall also apply to public swimming pools used and maintained by an individual, firm, corporation, club or association of persons for use by the public or members and their invitees or guests. In the case of public swimming pools, this use need not be accessory to a residential use.
3. Each pool area and the paving, coping or deck surrounding it or associated with it shall be located within the required setback of the zoning district in which the property is located.
4. Safety. Any pool or water area shall be suitably designed, located and maintained so as not to become a nuisance or hazard either to adjoining property owners or the public generally. All detachable ladders shall be removed when the pool is not in use.
5. Sanitary Quality of Water. The physical, chemical and bacterial qualities of the water in public swimming pools shall comply with the latest standards of the Commonwealth of Pennsylvania, Department of Health. Failure to maintain the sanitary quality of water prescribed by this section or to restore such water to the required quality within the time prescribed by the Department of Health shall be a violation of this section.
6. Construction and Maintenance. The construction and design of all pools shall be such that the same can be maintained and operated as to be clean and sanitary at all times. The owners of every pool shall be responsible to maintain said pool in such condition as to prevent breaks in the pool chassis or water from the pool overflow into adjacent public or private property. Swimming pools shall be constructed, equipped and maintained in strict conformity with the provisions of the swimming pool and public

health codes issued by the Commonwealth of Pennsylvania and the Bucks County Health Department.

7. Outdoor lighting, if used, shall be installed in such a way as to be shielded and not to reflect toward or into adjacent properties.
8. All electrical work connected with the pool and all equipment incidental thereto shall comply with all underwriter laboratory regulations and must be inspected and certified by an electrical underwriter's inspection agency. Owner or his agent shall submit satisfactory documentation that the inspection and certification has occurred prior to the initial filing of the pool with water.
9. A minimum isolation distance of twenty-five (25) feet shall be required between a swimming pool and any sewage disposal system.
10. Approved filtration systems and circulators must be provided for all pools except such exempt or non-exempt wading pools as are emptied on a daily basis as hereinafter provided.
11. All pool installations shall conform to all applicable building codes.
12. In no case shall water in the pool or pool area be permitted to emit an offensive odor or create any unhealthful condition. Further, it shall be a violation of this Ordinance to cause or allow drainage onto adjoining land.
13. No pool shall be located under any electrical power lines (including service lines), and the pool must be located at least ten (10) feet (measured horizontally) from such power lines.
14. Fencing of Pools: An outdoor private swimming pool, including an in-ground, above-ground or on-ground pool, shall be provided with a barrier which shall comply with the following:
 - a. The top of the barrier shall be at least 48 inches (1219 mm) above finished ground level measured on the side of the barrier which faces away from the swimming pool. The maximum vertical clearance between finished ground level and the barrier shall be 2 inches (51 mm) measured on the side of the barrier which faces away from the swimming pool. Where the top of the pool structure is above-finished ground level, such as an above-ground pool, the barrier shall be at finished ground-level, such as the pool structure, or shall be mounted on top of the pool structure. Where the barrier is mounted on the pool structure, the opening between the top of surface of the pool frame and the bottom of the barrier shall not allow passage of a 2-inch (51 mm) diameter sphere.

- b. Openings in the barrier shall not allow passage of a 4-inch (102 mm) diameter sphere.
- c. Solid barriers shall not contain indentations or protrusions except for normal construction tolerances and tooled masonry joints.
- d. Where the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members is less than 45 inches (1143 mm), the horizontal members shall be located on the swimming pool side of the fence. Spacing between vertical members shall not exceed 1 ³/₄ inches (44 mm) in width. Decorative cutouts shall not exceed 1 ³/₄ inches (44 mm) in width.
- e. Where the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members is 45 inches (1143 mm) or more, spacing between vertical members shall not exceed 4 inches (102 mm). Decorative cutouts shall not exceed 1 ³/₄ inches (44 mm) in width.
- f. Maximum mesh size for chain link fences shall be a 1 ¹/₄ inch (32 mm) square unless the fence is provided with slats fastened at the top or the bottom which reduce the openings to not more than 1 ³/₄ inches (44 mm).
- g. Where the barrier is composed of diagonal members, such as a lattice fence, the maximum opening formed by the diagonal members shall be not more than 1 ³/₄ inches (44 mm).
- h. Access gates shall comply with the requirements of items a through g above and shall be equipped to accommodate a locking device. Pedestrian access gates shall open outwards away from the pool and shall be self-closing and have a self-latching device. Gates other than pedestrian access gates shall have a self-latching device. Where the release mechanism of the self-latching device is located less than 54 inches (1372 mm) from the bottom of the gate: (a) the release mechanism shall be located on the pool side of the gate at least 3 inches (76 mm) below the top of the gate; and (b) the gate and barrier shall not have an opening greater than ¹/₂ inch (13 mm) within 18 inches (457 mm) of the release mechanism.
- i. Where a wall of a dwelling unit serves as part of the barrier and contains a door that provides direct access to the pool, one of the following shall apply:
 - 1) All doors within direct access to the pool through that wall shall be equipped with an alarm which produces an audible warning when the door and its screen, if present, are opened. The audible warning

shall commence not more than 7 seconds after the door and door screen, if present, are opened and shall sound continuously for a minimum of 30 seconds. The alarm shall have a minimum sound pressure rating of 85 dBA at 10 feet (3048 mm) and the sound of the alarm shall be distinctive from other household sounds such as smoke alarms, telephones and door bells. The alarm shall be equipped with manual means, such as touchpads or switches, to deactivate temporarily the alarm for a single opening from either direction. Such deactivation shall last for not more than 15 seconds. The deactivation touchpads or switches shall be located at least 54 inches (1372 mm) above the threshold of the door.

- 2) All doors with direct access to the pool through that wall shall be equipped with a self-closing and self-latching device with the release mechanism located a minimum of 54 inches (1372 mm) above the floor. Swinging doors shall open away from the pool area.
 - 3) The pool shall be equipped with a power safety cover. Where in a closed position, the cover shall be capable of holding a weight of 485 pounds (2175 N), shall not have any openings that allow passage of a 4 1/2 (114 mm) sphere and shall incorporate a system to drain standing water that collects on the cover. The cover control switch shall be permanently installed in accordance with NFPA 70 listed in Chapter 35, and be key-operated and of a spring-loaded or momentary-contact type. Where the switch is released, the operation of the cover shall stop instantly and be capable of reversing direction immediately. The switch shall be in the line of sight of the complete pool cover.
- j. Where an above-ground pool structure is used as a barrier or where the barrier is mounted on top of the pool structure, and the means of access is a fixed or removable ladder or steps, the ladder or steps shall be surrounded by a barrier which meets the requirements of items a through i above. A removable ladder shall not constitute an acceptable alternative to enclosure requirements.

Spa/Hot Tub

Such pools are permitted as accessory uses to residential structures subject to the following conditions:

1. A zoning permit shall be required to locate, construct or maintain a spa or hot tub.

2. Fencing of a spa or hot tub shall be required and shall meet the provisions of Section 404.H.2(g)(14) above.
3. A spa or hot tub with a manufacturer's approved safety cover shall be exempt from the fencing provisions of Section 404.H.2(g.14).

Section 4.

Section 404.H.3(a) is revised and restated as follows:

- a. The maximum floor area of an accessory apartment shall be 800 square feet whether attached to the primary residence or located in an accessory building.

Section 5.

Section 1006 Certificate of Occupancy is revised to restate the last paragraph as follows:

"No certificate shall be issued until the premises in question has been inspected and found by the Zoning Officer to be in compliance with the Zoning Ordinance. For a new residence or building to be served by a new driveway, the Certificate of Occupancy shall not be issued until the driveway has been installed in compliance with the requirements of Haycock Township Ordinance No. 75 and, where applicable, requirements of a Penndot Highway Occupancy Permit or adequate financial security has been deposited with the Township to assure its installation. The Township Engineer shall determine the adequacy of the amount of the financial security to be posted. The issuance of a Certificate of Occupancy in no way absolves the owner or authorized agent from compliance with the provisions of the Zoning Ordinance or other Township ordinances."

Section 6.

All other provisions of the Haycock Township Zoning Ordinance, as amended, shall remain in full force and effect.

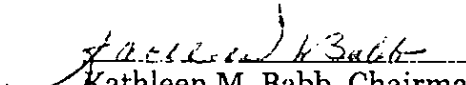
Section 7.

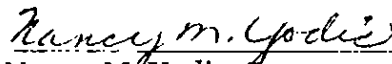
This Ordinance shall be effective immediately upon enactment.

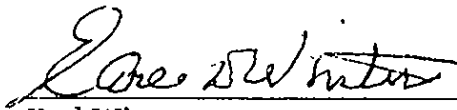
ORDAINED AND ENACTED this 7th day of AUGUST,
2000.

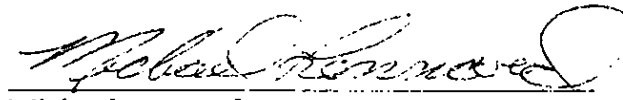
**HAYCOCK TOWNSHIP
BOARD OF SUPERVISORS**

ATTEST:


Kathleen M. Babb, Chairman


Nancy M. Yodis, Secretary


Earl Winters


Michael Lennard