

ORDINANCE NO. 407

AN ORDINANCE OF THE BOROUGH OF LEESPORT, BERKS COUNTY, PENNSYLVANIA, DEFINING SEASONAL POOL, REGULATING THE USE OF SEASONAL POOLS AND REQUIRING PERMITS THEREFOR, AND PROVIDING FOR ENFORCEMENT AND PENALTIES FOR VIOLATIONS.

BE IT ORDAINED AND ENACTED by the Borough Council of the Borough of Leesport, Berks County, Pennsylvania, and IT IS HEREBY ORDAINED AND ENACTED by the authority of the same, as follows:

SECTION 1. This Ordinance shall apply to private non-commercial seasonal swimming pools, which are designed for placement and use only during the swimming season.

SECTION 2. Definition. The term "Seasonal Pool", when used in this Ordinance, shall mean an air inflatable device for filling with water to a depth of 24 inches or more for swimming.

SECTION 3. Requirements. The use of Seasonal Pools is subject to the following restrictions:

- a. Seasonal Pools shall be located completely behind the rear-most portion of the dwelling.
- b. The use of Seasonal Pools shall be accessory to a residential use and on the same lot as the dwelling.
- c. Associated decks and platforms are prohibited.

d. The permitted season for Seasonal Pools is the third week of May through the first week of September of each year. The placement or use of Seasonal Pools before the third week of May and after September 7 in each year is strictly prohibited.

e. Seasonal Pools shall be entirely enclosed with a barrier or fence not less than four feet in height and having no opening greater than four inches a side (or in diameter in the case of round openings). The required barrier or fence shall be installed and removed in conjunction with the placement and removal of the Seasonal Pool, except for any fence constructed in accordance with the provisions of the Leesport Borough Zoning Ordinance of 1972, as amended.

f. Due to the portable nature of Seasonal Pools, they are excluded from the provisions of the Zoning Ordinance, but shall comply with the relevant provisions of the Building Code of Leesport Borough.

SECTION 4. Permit.

No Seasonal Pool shall be placed or used without a permit therefor issued by the Borough. The application for a permit shall be accompanied by a permit fee established by Borough Council from time to time. Permits will only be valid for a single permitted season.

SECTION 5. Penalties.

Any person violating any of the provisions of this Ordinance or failing to comply therewith, or with any of the requirements thereof, shall, upon conviction, be

sentenced to pay a fine not exceeding \$600.00, together with costs of prosecution. Each day of violation of any provision of this Ordinance shall constitute a separate offense.

SECTION 6. Severability.

If any sentence, clause, section or provision hereof shall be held to be invalid, it is hereby declared to be the intent that the remaining portions thereof would have been enacted notwithstanding such judicial determination of the invalidity of any particular sentence, clause, section or provision in any respect, and such invalidity shall not affect or impair any of the remaining sentences, clauses, sections or provisions of this Ordinance.

SECTION 7. Any Ordinance or part thereof inconsistent herewith is hereby repealed insofar as it is inconsistent herewith.

SECTION 8. This Ordinance shall become effective immediately.

ENACTED AND ORDAINED as an Ordinance of the Borough of Leesport, Berks County, Pennsylvania, this 16th day of June, 2004.

BOROUGH OF LEESPORT

ATTEST:

Sandra Reese
Secretary

Brendy J. Reed
President of Council

Approved as an Ordinance of the Borough of Leesport this 16th day of June, 2004.

Robert Hoffmaster
Mayor