

**RADNOR TOWNSHIP, DELAWARE COUNTY, PA
ORDINANCE NO. 2022-30**

**AN ORDINANCE OF RADNOR TOWNSHIP, DELAWARE COUNTY,
PENNSYLVANIA, CREATING A NEW CHAPTER 258 IN THE RADNOR
TOWNSHIP CODE TO INCORPORATE THE 2018 INTERNATIONAL
SWIMMING POOL AND SPA CODE.**

Upon recommendation of the Radnor Township Staff, the Radnor Township Board of Commissioners hereby ENACTS and ORDAINS the following:

ARTICLE I ADOPTION OF CODE AMENDMENTS - SPSC

Chapter 258 of the Radnor Township Code is hereby created and shall read as follows:

Chapter 258 Swimming Pools and Spas

§258-1 Adoption of code by reference.

Certain documents on file in the office of the Secretary of the Township of Radnor, being marked and designated as the 2018 International Swimming Pool and Spa Code, are hereby adopted as the Swimming Pool and Spa Code of Radnor Township, Delaware County, in the Commonwealth of Pennsylvania, for the purpose of establishing minimum regulations governing the design, installation, construction, and operation of swimming pools and spas as herein provided; and each and all of the provisions, penalties, conditions, and terms of the 2018 International Swimming Pool and Spa Code, as amended, are hereby referred to, adopted and made a part hereof as if fully set forth in this chapter, with the additions, insertions, deletions, and changes prescribed by this chapter.

§158-2 Additions, insertions, deletions, and changes to code.

The following sections and subsections of the commercial building provisions of the aforementioned 2018 International Swimming Pool and Spa Code, as amended, are hereby added, amended, deleted, changed, and clarified as set forth below.

A. Chapter 1, Scope and Administration, Part 1, Scope and Application.

 (1) Section 101, General.

 (a) Subsection 101.1, Title. The "Township of Radnor" shall be inserted as the name of the jurisdiction.

- (b) Insert a new Subsection 101.5 to read as follows:

101.5 Default Municipality. Whenever in said Swimming Pool and Spa Code a local authority or local jurisdiction is mentioned and no name is given, said authority or jurisdiction shall be construed to mean the Township of Radnor, and when a state authority or jurisdiction is mentioned, the same shall mean the Commonwealth of Pennsylvania; and where a department or the Department of Building Safety is mentioned, the same shall mean the Department of Community Development.

B. Chapter 1, Scope and Administration, Part 2, Administration and Enforcement.

- (1) Section 103, Department of Building Safety.

- (a) Delete Subsections 103.1 through 103.3 and substitute with the following:

103.1 General. The Director of Community Development or any authorized agent or employee thereof shall be designated as the code official for the purposes of this code.

103.2 Appointment. The code official and employees of the Department of Community Development shall be appointed in accordance with the personnel procedures and policies of the Township of Radnor.

103.3 Deputies. In accordance with the prescribed procedures of the Township of Radnor, the code official shall have the authority to appoint a deputy code official, other related technical officers, inspectors, and other employees.

- (2) Section 104, Duties and Powers of the Code Official.

- (a) Delete Subsection 104.2, Applications and permits, and substitute with the following:

104.2 Applications and permits. The code official shall receive applications, review construction documents and issue permits for the erection, construction, installation, enlargement, alteration, conversion, *repair*, renovation, movement, removal, replacement, demolition, or occupation any building, structure, aquatic recreation facility, pool, spa, system, and/or related mechanical, electrical and plumbing systems. The code official shall inspect the premises for which such permits have been issued and enforce compliance with the provisions of this code.

- (3) Section 105, Permits.

- (a) Delete Subsection 105.1, Applications and permits, and substitute with the following:

105.1 When required. Any owner, or owner's authorized agent who desires to erect, construct, install, enlarge, alter, convert, *repair*, renovate, move, remove, replace, or demolish an aquatic recreation facility, pool, or spa or to erect, construct, install, enlarge, alter, convert, repair, renovate, move, remove, replace, or demolish any system, the installation of which is regulated by this code, or to cause any such work to be performed, shall first make application to the code official and obtain the required permit for the work.

- (b) Delete the entire Subsection 105.6, Fees, and substitute with the following:

105.6 Fees. No permit to begin work for any erection, construction, installation, enlargement, *alteration*, conversion, *repair*, renovation, moving, removal, replacement, demolition, or other operations shall be issued until the fees established by the Board of Commissioners have been paid in accordance with Chapter 162 of the Code of the Township of Radnor, as amended, nor shall an amendment to a *permit* necessitating an additional fee, because of an increase in the estimated cost involved, be approved until the additional fees have been paid in accordance with Chapter 162 of the Code of the Township of Radnor, as amended.

105.6.1 Work commencing before permit issuance. Any person who commences any work before obtaining the necessary permits may be subject to an additional fee established by the Board of Commissioners that shall be in addition to the required permit fees.

105.6.2 Related fees. The payment of the fee for any erection, construction, installation, enlargement, *alteration*, conversion, *repair*, renovation, moving, removal, replacement, or demolition work done in connection to or concurrently with the work or activity authorized by a permit shall not relieve the applicant or holder of the permit from the payment of other fees that are prescribed by law.

- (4) Section 107, Violations.

- (a) Delete the entire Section 107, Violations, and substitute with the following:

SECTION 107 VIOLATIONS

107.1 Unlawful acts. It shall be unlawful for any person, firm or corporation to erect, construct, install, enlarge, alter, convert, *repair*, renovate, move, remove, replace, demolish, or occupy any building,

structure, aquatic recreation facility, pool, spa, system, or equipment regulated by this code, or cause same to be done, in conflict with or in violation of any of the provisions of this code.

107.2 Notice of violation. The *code official* is authorized to serve a notice of violation or order on the person responsible for the erection, construction, installation, enlargement, *alteration*, conversion, *repair*, renovation, moving, removal, replacement, demolition, or occupancy of a building, structure, aquatic recreation facility, pool, spa, or system in violation of the provisions of this code, or in violation of a *permit* or certificate issued under the provisions of this code. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.

107.3 Prosecution of violations. If the notice of violation is not complied with within the time specified in the notice, the *code official* shall institute the appropriate proceeding at law or in equity to restrain, correct, or abate such violation, or to require the removal or termination of the unlawful occupancy of the building or structure in violation of the provisions of this code or of the order or direction made pursuant thereto.

107.4 Violation penalties. Any person who violates a provision of this code; fails to comply with any of the requirements thereof; or erects, constructs, installs, enlarges, alters, converts, *repairs*, renovates, moves, removes, replaces, demolishes, occupies, or otherwise does work on a building, structure, aquatic recreation facility, pool, spa, or system in violation of the approved construction documents, any approved plan, *permit*, certificate, application for *permit*, or directive of the *code official* shall, upon conviction, be punishable by a fine of not more than \$1,000.00 per violation. Each day that each violation continues shall be deemed a separate offense.

107.5 Stop work orders. Upon notice from the code official, work on any building, structure, aquatic recreation facility, pool, spa, or system that is being performed contrary to the provisions of this code or in a dangerous or unsafe manner shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to the owner's authorized agent, or to the person performing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not less than \$500.00 dollars nor more than \$1,000.00 dollars.

107.6 Abatement of violation. The imposition of the penalties herein prescribed shall not preclude the code official from instituting appropriate action to prevent violation, or to prevent the illegal use of a aquatic recreation facility, pool, spa, or system, or to stop an illegal act, conduct, business or utilization of the plumbing on or about any premises.

107.7 Unsafe facilities, pools, spas, or systems. Any aquatic recreation facility, pool, spa, or system regulated by this code that is unsafe or that constitutes a fire or health hazard, insanitary condition, or is otherwise dangerous to human life is hereby declared unsafe. Any use of a such an aquatic recreation facility, pool, spa, or system constituting a hazard to safety, health, or public welfare by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, disaster, damage, or abandonment is hereby declared an unsafe use. Any such unsafe aquatic recreation facility, pool, spa, or system is hereby declared to be a public nuisance and shall be abated by *repair*, renovation, replacement, demolition, or removal.

107.7.1 Authority to condemn a facility, pool, spa, or system. Where the code official determines that any aquatic recreation facility, pool, spa, or system, or portion thereof, regulated by this code has become hazardous to life, health or property or has become insanitary, the code official shall order in writing that such aquatic recreation facility, pool, spa, or system either be removed, replaced, or restored to a safe and sanitary condition. A time limit for compliance with such order shall be specified in the written notice. A person shall not use or maintain such a defective facility, pool, spa, or system after receiving such notice. Where such a facility, pool, spa, or system is to be disconnected, written notice as prescribed in Section 107.2 shall be given. In cases of immediate danger to life or property, such disconnection shall be made immediately without such notice.

107.7.2 Authority to disconnect service utilities. The code official shall have the authority to authorize disconnection of utility service to the aquatic recreation facility, pool, or spa regulated by the technical codes in case of an emergency, where necessary, to eliminate an immediate danger to life or property. Where possible, the owner or the owner's authorized agent and occupant of the building where the facility, pool, or spa is located shall be notified of the decision to disconnect utility service prior to taking such action. If not notified prior to disconnecting, the owner, the owner's authorized agent or the occupant of the building shall be notified in writing, as soon as practical thereafter.

107.7.3 Connection after order to disconnect. A person shall not make connections from any energy, fuel, power supply, or water distribution system, or supply energy, fuel, or water to any equipment

regulated by this code that has been disconnected or ordered to be disconnected by the code official or the use of which has been ordered to be discontinued by the code official until the code official authorizes the reconnection and use of such equipment. When any aquatic recreation facility, pool, spa, or system is maintained in violation of this code, and in violation of any notice issued pursuant to the provisions of this section, the code official shall institute any appropriate action to prevent, restrain, correct or abate the violation.

(5) Section 108, Means of Appeal.

- (a) Delete the entire Section 108, Means of Appeal, and substitute with the following:

**SECTION 108
MEANS OF APPEAL**

108.1 General. Whenever the owner or builder of any building, structure, aquatic recreation facility, pool, spa, or system about to be or in the course of being worked upon (erected, constructed, installed, enlarged, altered, converted, repaired, renovated, moved, removed, replaced, demolished, etc.), used, or occupied, or any other interested party takes exception to the decision of the *code official* in refusing to approve the manner of work or the type of materials to be used in such work; to his/her decision as to the occupation or use of any such building, structure, facility, pool, spa, or system; or to his/her decision concerning such building's, structure's, facility's, pool's, spa's, or system's safety or compliance with the provisions of this code, such owner, builder, or party may, within thirty (30) days after the issuance of such decision, take an appeal to the Code Appeals Board. Such appeal shall be in writing, state the decision of the *code official* and the reason for taking exception thereto, and shall be filed with the Department. The appeal shall be heard pursuant to and consistent with the practices and procedures established for or by the Code Appeals Board, as well as, the Pennsylvania Uniform Construction Code. A written decision to affirm, modify, or reverse the decision of the *code official* shall be issued by the Code Appeals Board and duly recorded, with such decision being final.

108.2 Limitations on authority. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply or an equally good or better form of construction is proposed. The Code Appeals Board shall not have authority to waive requirements of this code.

B. Chapter 2, Definitions.

(1) Section 202, Definitions.

- (a) Add the definition of "Code Appeals Board" to read as follows:

CODE APPEALS BOARD. The Radnor Township Code Appeals Board created, organized, and operated in accordance with Chapter 15, Code Appeals Board, of the Code of the Township of Radnor, as amended. Also known as board of appeals.

- (b) Amend the definition of "Code Official" to read as follows:

CODE OFFICIAL. The Director of Community Development charged with the administration and enforcement of this code, or a duly authorized representative.

- (c) Add the definition of "Department" to read as follows:

DEPARTMENT. The Department of Community Development of Radnor Township or any authorized agent or employee thereof.

- (d) Add the definition of "Township" to read as follows:

TOWNSHIP. The Township of Radnor, Delaware County, Commonwealth of Pennsylvania.

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[Signatures to follow]

RADNOR TOWNSHIP, DELAWARE COUNTY, PA
ORDINANCE NO. 2022-30
SPSC

ARTICLE II REPEALER

All ordinance or parts of ordinances which are inconsistent herewith are hereby repealed.

ARTICLE III SEVERABILITY

If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or part of this Ordinance. It is hereby declared as the intent of the Board of Commissioners of Radnor Township, that this Ordinance would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, section, or part thereof not been included therein.

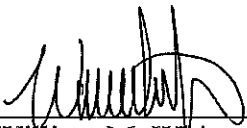
ARTICLE IV EFFECTIVE DATE

This Ordinance shall become effective in accordance with the Home Rule Charter of Radnor Township.

ENACTED and *ORDAINED* this 3 day of January, 2023.

RADNOR TOWNSHIP

By: Maria Mulkeny
Name: _____
Title: President

ATTEST: 
William M. White, Secretary