

**BOROUGH OF MERCER
MERCER COUNTY, PENNSYLVANIA
ORDINANCE NO. 5-2002**

**AN ORDINANCE OF THE BOROUGH OF MERCER ESTABLISHING STANDARDS GOVERNING
THE CONSTRUCTION, MAINTENANCE, AND USE OF PRIVATE SWIMMING POOLS.**

The Mercer Borough Council hereby ordains:

SECTION 1. Definitions. As used in this Ordinance, SWIMMING POOL or POOL is hereby defined as an outdoor swimming pool used or intended to be used solely by the owner of a residential property, his family, or lessee thereof and his family, and by guests invited to use it without the payment of any fee.

SECTION 2. Applicability. This Ordinance shall apply to all new outdoor swimming pools hereinafter constructed as well as existing swimming pools whether above ground or in the ground and having a depth of eighteen (18) inches or more at any one point.

SECTION 3. Requirements. A swimming pool, permanent or portable:

- (a) shall be an accessory structure to a principal non-commercial dwelling and must have a building permit;
- (b) shall be on the same lot or an adjoining lot to the principal structure;
- (c) shall be erected a distance not less than the minimum setback requirements as established in the respective residential zoning districts, and may only be located in Residential Zoning Districts R-1, R-2 and R-3; and
- (d) shall be located at least 10 feet from the lot's principal structure's foundation footprint.
- (e) All swimming pools erected in the ground and all swimming pools erected above ground with less than 4 foot high sides shall be fully enclosed by a minimum 5 foot high chain link or other solid type fence. Such fencing shall be equipped with a self-closing and self-locking gate operable from the inside only and/or detachable key from the outside.
- (f) All swimming pools erected above ground with sides 4 feet high or higher are not required to be enclosed by fencing but must be equipped with a swing-up locking type safety ladder.
- (g) All electrical circuits extending to or within 15 feet of any swimming pool shall be protected by a ground vault circuit-interrupter as defined by the current addition of the National Electrical Code. Said electrical circuits shall additionally in all respects conform to the requirements of the National Electrical Code which Code is specifically incorporated herein by reference and/or applicable Borough Codes or Ordinances.
- (h) All pumping, cleaning, filtering, and screening devices and water supply and discharge shall be of a type and source approved by local and/or state health

department authorities.

- (i) Spotlights and/or floodlights shall be so placed and suitably shielded as not to light or reflect light upon adjacent properties.

SECTION 4. Penalties. Any person, firm or corporation who shall violate any provision of this Ordinance shall, upon conviction thereof, be sentenced to pay a fine not more than three hundred dollars (\$300.00), and/or to imprisonment for a term not to exceed ninety (90) days. Each day that a violation of this Ordinance continues shall constitute a separate offense.

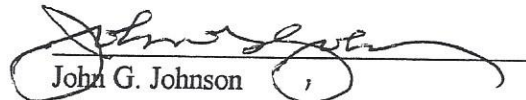
SECTION 5. Repealer. All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed. The following ordinances or parts thereof are specifically repealed:

SECTION 6. 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 parts of this Ordinance. It is hereby declared as the intent of the Mercer Borough Council that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.


SECTION 7. Effective Date. This Ordinance shall become effective on June 16, 2002.

THE BOROUGH OF MERCER ORDAINS AND ENACTS AND IT IS HEREBY ORDAINED AND ENACTED INTO LAW BY THE MERCER BOROUGH COUNCIL THIS 11TH DAY OF JUNE, 2002.

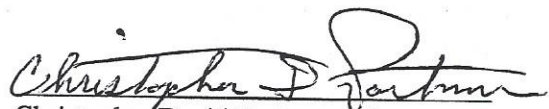
BOROUGH OF MERCER:


John G. Johnson
President of Council

ATTEST:


Deborah K. Scruci
Mercer Borough Secretary

EXAMINED AND APPROVED BY ME, this 11th day of June, 2002.


Christopher David Portman, Mayor

CERTIFICATION

I, the undersigned, Secretary of the Borough of Mercer, Mercer County, Pennsylvania, do hereby certify that the foregoing and attached is a true and correct copy of ORDINANCE NO. 5-2002 of the said Borough of Mercer, which was duly and regularly adopted by the affirmative vote of a majority of the member of the Borough Council, at a legally convened meeting thereof, being a Regular meeting, held on the 11th day of June, 2002; that the same was duly entered in the Minute Book and the Ordinance Book of the Borough as required by Law; that the said Ordinance has not been amended, modified or rescinded, and is still in full force and effect; that the said meeting at which said Ordinance was so adopted, was at all times open to the public, and public notice thereof was given as required by Act 84 of 1986, and Act 39 of 1976; and that the said Ordinance was duly approved by the Mayor of said Borough.

WITNESS, my hand and the seal of the Borough of Mercer, Mercer County, Pennsylvania, this 11th day of June, 2002.

(Borough Seal)



Deborah K. Scruci, Secretary
Mercer Borough

**BOROUGH OF MERCER
MERCER COUNTY, PENNSYLVANIA
ORDINANCE NO.3-2014**

AN ORDINANCE OF THE BOROUGH OF MERCER, MERCER COUNTY, PENNSYLVANIA, PROHIBITING THE DRINKING OF "ALCOHOLIC BEVERAGES" UPON ANY PUBLIC ACCESS PROPERTY, OR IN ANY VEHICLE BEING OPERATED OR PARKED THEREON, AND TO PROHIBIT ANY PERSON TO HAVE IN SUCH PERSON'S POSSESSION OR IN ANY VEHICLE UNDER SUCH PERSON'S CONTROL, ANY OPEN CONTAINER CONTAINING AN "ALCOHOLIC BEVERAGE" UPON ANY PUBLIC ACCESS PROPERTY; PROVIDING EXCEPTIONS TO THE PROHIBITIONS CONTAINED IN THE ORDINANCE; TO PROVIDE PENALTIES FOR THE VIOLATION THEREOF; AND REPEALING ALL INCONSISTENT ORDINANCES INCLUDING ORDINANCE NO. 2-1998.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY the Borough of Mercer, and it is hereby Ordained and Enacted by and with the authority of the same as follows:

SECTION 1: Definitions – the following terms shall have the meaning indicated:

- a. Alcoholic Beverages – as defined in the "Liquor Code" of the Commonwealth of Pennsylvania,(i.e. liquor, wine, malt, and brewed beverages);
- b. Open Container – any container from which consumption of an alcoholic beverage is occurring or any container which has been perforated in the case of a can or similar container or a container which the cap has been removed; including resealed containers;
- c. Public Access Property – any public street, alley, sidewalk, park, playground, ball field, recreation areas, commons, or parking lots; or any private parking lots open to public use (regardless if the private parking lot establishment is open or closed for business);

SECTION 2:

It shall be unlawful for any person to drink an alcoholic beverage upon any public access property within the Borough and it shall be unlawful for any person to have in such person's possession, or in a vehicle under such person's control, any open container containing an alcoholic beverage upon any public access property in the Borough.

SECTION 3: Exceptions:

- a. Special event permits – The prohibition contained herein shall not apply in the event of a fair, picnic, or other community event or gathering for which prior special permission has been granted by the Mercer Borough Council and subject to any limitations imposed by Mercer Borough Council regarding the consumption of alcoholic beverages, the hours, and location within the Borough which have been authorized to permit consumption as an exception to this Ordinance;
 - (i) The Borough of Mercer reserves the right to set times, frequency and location limitations on any request for an exemption;

- (ii) The Borough of Mercer shall be permitted to establish application fees for special event permits by resolution;
 - (iii) The permittee shall be responsible for compliance with all conditions imposed by Mercer Borough as a condition of the permit including the filing of an application with requested information, the payment of any imposed application fees and providing all security for the event as directed by the Borough of Mercer;
 - (iv) This exemption shall also apply to all individuals purchasing alcoholic beverages offered for sale and/or dispensed by the permittee only within the designated areas for the permit;
 - (v) The Borough of Mercer reserves the right to revoke, rescind and/or cancel any permit granted for any violation of any law or condition of the permit by a vote of Council at a public meeting.
- b. Outdoor cafes, patios and other extensions of licensed premises – The prohibition contained herein shall not apply to any extension of a licensed premise for patios, cafes or similar outdoor serving areas that have been permitted by the Pennsylvania Liquor Control Board.
- (i) All requirements of the Pennsylvania Liquor Control Board shall be strictly complied with by the permittee;
 - (ii) The permittee shall apply for a permit from Mercer Borough and attach a copy of the authorization for an extension of the right to sell alcohol issued by the Pennsylvania Liquor Control Board;
 - (iii) The permittee shall comply with all other Borough of Mercer Ordinances including the zoning ordinance and any ordinance imposing restrictions on the use of sidewalks and all other public access property;
 - (iv) All permittees shall limit operation of the outdoor extension to times between 11:00 a.m. and 11:00 p.m.;
 - (v) The Borough of Mercer shall be permitted to establish application fees for outdoor café, patio and similar permits by resolution;
 - (vi) The Borough of Mercer reserves the right to revoke, rescind and/or cancel any permit granted for any violation of any law or condition of the permit by a vote of Council at a public meeting.

SECTION 4:

Any person who violates the provision of this Ordinance shall, upon conviction thereof, be sentenced to pay a fine not to exceed \$1,000.00 and costs of prosecution, and in default of payment of such fine and cost, to undergo imprisonment of not more than ninety (90) days.

SECTION 5:

Any police officer is hereby authorized to act on behalf of the Borough.

SECTION 6:

All ordinances and parts of ordinances inconsistent are repealed including but not limited to Ordinance No. 2-1998.

SECTION 7:

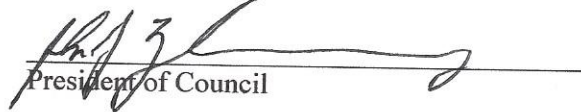
If any provision or part of this Ordinance is for any reason found to be unconstitutional, illegal, or invalid, such decision shall not affect or impair the validity of any of the remaining provisions or parts of this Ordinance. It is hereby declared as the intent of Borough Council that this Ordinance would have been adopted had such unconstitutional, illegal, or invalid provision or part not included herein.

SECTION 8:

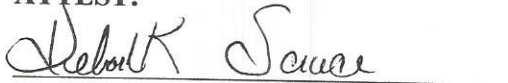
This Ordinance shall take effect immediately upon its enactment.

ORDAINED AND ENACTED, this 12th_ day of August, 2014, at a Regular Meeting of the Mercer Borough Council.


BOROUGH OF MERCER


President of Council

ATTEST:


Deborah K. Scruci
Mercer Borough Secretary

EXAMINED AND APPROVED BY ME, this 12th day of 2014, 2014.


Ross Vernon, Mayor