Regulating public bathing places, swimming pools, public bath houses, public and private natatoriums, turkish bath houses, all places hired for any form of bathing or swimming, and all related appurtenances; fixing license fees; providing, in matters of sanitation, cleanliness and safety, for supervision by the Department of Health; and prescribing penalties for violations.

Compiler's Note: Section 505(3) of Act 18 of 1995, which created the Department of Conservation and Natural Resources and renamed the Department of Environmental Resources as the Department of Environmental Protection, provided that, notwithstanding any other provisions of Act 18, the Department of Health shall exercise the powers and duties by law heretofore vested in and imposed upon the Department of Environmental Resources by Act 299 of 1931 and provided that the Department of Health shall have the authority to promulgate rules and regulations to protect the public health and safety at all public places.

Section 1. Be it enacted, &c., That this act shall be known, and may be cited as the "Public Bathing Law."

Section 2. Definitions, as used in this act:

(1) A public bathing place shall mean any place open to the public for amateur and professional swimming or recreative bathing, whether or not a fee is charged for admission or for the use of said place, or any part thereof. Except with respect to the regulation of water supply and content, hygiene and plumbing and electrical facilities, and safety equipment, a public bathing place shall not include a swimming pool, lake or pond owned, operated and maintained for the exclusive use and enjoyment of residents of a condominium or cooperative or members of a property-owners association or the personal guests of such residents or members.

(2) A swimming pool shall mean a place in the open or enclosed in any structure or building for the purpose of admitting two or more persons to bathe or swim together.

(3) A natatorium shall mean a place in any building, or parts of buildings, maintained and conducted by any person or persons, club, corporation, association, or society or other organization, where fees are charged to public or member patrons for swimming, bathing, turkish, swedish or other forms of bathing.

(4) Department shall mean the Department of Health of this Commonwealth.

(5) A certified lifeguard shall mean an individual who has a current certification in lifeguarding from a certifying authority recognized by the department in a notice published in the Pennsylvania Bulletin.
(6) A recreational swimming establishment shall mean a facility that is designed, constructed and/or designated for use by individuals for the primary purpose of swimming, where a fee is charged for admission. This definition shall include, but is not limited to, swimming pools, water rides, wave pools and swimming beaches and other outdoor swimming facilities. The term excludes those facilities owned by condominiums, other property owner associations, rental arrangements which include three or more families or social units, hotels or motels, campgrounds, private clubs and private organizations which do not provide access to the general public, swimming facilities used exclusively for hydrotherapy and residential swimming facilities used solely by the owner of a residence, his family and personal guests.

(2 amended June 18, 1998, P.L.531, No.75)

Section 3. Classification.--Bathing places shall be classified as follows:
(1) Natural lakes, ponds, pools, rivers and water streams.
(2) Outdoor ponds, pools, and streams which may be partly artificial and partly natural.
(3) Outdoor or indoor bathing or swimming pools and places which are entirely artificial in construction.
(4) Recreational swimming establishments.
(3 amended June 18, 1998, P.L.531, No.75)

Section 4. In all places used and intended to be used for bathing and swimming by the public or any person or persons, the water shall be maintained at all times clean and sanitary. For the protection of the public, from time to time, the water used shall be analyzed and tested and used in accord with the chemical content and quality of water prescribed by the rules and regulations of the department for the preservation of the public health.

(a) The chemical content and quality of water in any places for bathing and swimming, or their appurtenances, at no time during the periods when such places for bathing and swimming are open for patronage and use, shall be of a chemical content or quality injurious to the health and bodies of the patrons and users of said public bathing places and swimming pools and contrary to the rules and regulations of the department.

Section 4.1. Certified Lifeguards.--
(a) An adequate number of certified lifeguards shall be on duty at a recreational swimming establishment when the recreational swimming establishment is open to the public.
(b) The department shall promulgate regulations to determine the number of lifeguards required at a recreational swimming establishment using objective criteria that take into consideration industry standards. The department shall consult with approved certifying authorities and recreational swimming establishments to develop regulations relating to lifeguards.
(4.1 added June 18, 1998, P.L.531, No.75)

Compiler's Note: Section 5 of Act 75 of 1998 provided that the Department of Health shall promulgate regulations to implement the addition of section 4.1.

Section 4.2. Swimming Pool Pesticides.--The use of general
use pesticides in the care and maintenance of a swimming pool at a private single-family residence by any person is authorized without any certification restrictions imposed by the act of March 1, 1974 (P.L.90, No.24), known as the "Pennsylvania Pesticide Control Act of 1973," or any regulations promulgated thereunder.

(4.2 added June 18, 1998, P.L.531, No.75)

Section 5. Permits.--

(a) It shall be unlawful for any person or persons, club, firm, corporation, partnership, institution, association, municipality or county to construct, add to or modify, or to operate, or continue to operate, any public bath house, bathing swimming place or swimming pool, natatorium, or any structure intended to be used for bathing or swimming purposes, indoors or outdoors, without having first obtained a permit so to do or being in possession of an unrevoked permit.

(b) Permits shall be obtained in the following manner: Any person or persons, firm, corporation, co-partnership, associations, institution, municipality or county, or other body, desiring to construct, add to or modify, or to operate and maintain any public bathing place, bath house, bathing or swimming pool, natatorium, place or structure, indoors or outdoors, intended to be used for hire for bathing or swimming within the Commonwealth, shall file with the department, on blanks prepared by it, an application for permission to operate such bathing place or swimming pool.

(c) Each application shall be accompanied by a fee of ten ($10.00) dollars, and by maps, drawings, specifications and descriptions of the bathing place, pool, or structure, its appurtenances and operations, descriptions of the source or sources of water supply, amount of chemical content and quality of water available and intended to be used, method and manner of water purifications, treatment, disinfection, heating, regulating and cleaning, and measures employed to insure installation of necessary lavatories, dressing rooms, segregation of sexes, and personal cleanliness of bathers, method and manner of washing, disinfecting, drying, and storing bathing apparel and towels, and all other information and statistics that may be required by the rules and regulations of the department.

(d) Thereupon the department shall cause an investigation to be made of the proposed bathing place or existing place, pond or pool. If it shall be determined that the bathing or swimming place reasonably may be expected to become unclean, unsanitary, a nuisance, or may constitute a menace to public health, the department shall immediately refuse a permit therefor in a written order or decision giving the reasons for such refusal, and notify the applicant of said refusal. ((d) repealed in part Apr. 28, 1978, P.L.202, No.53)

Section 6. If the department shall determine that the bathing or swimming place, for which a permit is applied, is or may be maintained continually in a clean, sanitary and healthful manner, and will not constitute or become a menace to the public health, promote immorality, or be a public nuisance, it shall notify the applicant for such permit under what conditions and
restrictions, if any, the department will issue a permit. Thereupon, if the said applicant then shall desire such permit, and shall agree to comply with the restrictions and conditions prescribed by the department, the department shall issue the permit.

Section 7. All fees accompanying the applications for permits, together with any monies received for transcribing any records for appeals, or any other purpose, shall be paid into the State Treasury, through the Department of Revenue.

(7 amended May 1, 1945, P.L.333, No.143)

Section 8. Powers and Authority of the Department.--

(a) The department at all reasonable times shall have access to, and are hereby empowered to enter upon, any and all parts of the premises of any bathing and swimming place used and let for hire to the public or individuals, and to make such examinations and investigations as shall determine the sanitary conditions, adequate number of certified lifeguards under section 4.1 and all hazards and dangers from fires or anything else and whether the provisions of this act and the rules and regulations of the department are being complied with or are being violated.

(b) If it be determined upon such examination and investigation that any bathing or swimming place is being maintained contrary to the provisions of this act, such bathing and swimming place forthwith shall be closed to all persons, and the bathing or swimming pools be drained and kept dry until provision is made to comply with this law and permission given by the department to reopen the same. Prosecutions also shall be brought and carried to final judgment by the department against each and every person violating any of the provisions of this act.

(c) The department shall, from time to time, make complete and detailed records of all such investigations, inspections and prosecutions.

(8 amended June 18, 1998, P.L.531, No.75)

Compiler's Note: Section 5 of Act 75 of 1998 provided that the Department of Health shall promulgate regulations to implement the amendment of section 8(a).

Section 9. The provisions of this act shall not operate to invalidate the provisions of any ordinance, rule or regulation lawfully enacted to protect the public health or against dangers from fire, water hazards or nuisances of any kind.

Section 10. No township, borough, city, or county, for operating and carrying on the business licensed and regulated by this act, shall impose any license fee in addition to the fees herein prescribed: Provided, however, That the owners or managers of such bathing places or swimming pools shall be privileged to apply to the proper authorities of the municipality in which such bathing or swimming place is located and pay for any police and other protection necessary to protect the patrons of such place from personal and bodily injury.

Section 11. Any permit granted by the department, as provided in this act, shall be revocable or subject to suspension at any time if the department shall determine that the bathing or swimming place or pool is or has been conducted
in a manner unsanitary, unclean, promoting immorality or is
dangerous to the public health.

Section 12. Any bathing or swimming place constructed,
operated or maintained contrary to the provisions of this act is
hereby declared to be a public nuisance, and, after being closed
and drained of all water promptly, shall be abated and enjoined
as other nuisances are abated and enjoined by an action brought
by the Attorney General in any common pleas court of the county
when such public nuisance is being maintained.

Section 13. Any person, firm, or corporation, association or
institution whether as principal or agent, employer or employee,
who violates by any act of omission or commission, or in any
manner is a party to or directly or indirectly aids or permits a
violation of any of the provisions of this act, shall be guilty
of a summary offense. Each day that the conditions or acts in
violation of this act of Assembly shall remain or continue shall
be deemed, on the part of the person or persons charged with the
knowledge thereof, to be a separate and distinct offense against
the provisions of this act. For each offense, upon conviction,
such person or persons shall be punished by a fine of not less
than twenty-five ($25.00) dollars nor more than five hundred
($500.00) dollars, or shall be imprisoned in the county jail for
a term not exceeding six months, or by both such fine and
imprisonment.

(13 amended July 12, 1979, P.L.93, No.40)

Section 14. All acts or parts of acts contrary to or
inconsistent with the provisions hereof are hereby repealed. But
nothing contained in this act shall be contained in this act
shall be construed to repeal the provisions of any law the
enforcement of which is vested in the Department of Forests and
Waters or the Water and Power Resources Board.