

**MORTON BOROUGH  
DELAWARE COUNTY, PENNSYLVANIA**

**ORDINANCE 2020- 767**

**AN ORDINANCE OF MORTON BOROUGH  
AMENDING PROVISIONS OF THE MORTON BOROUGH ZONING ORDINANCE  
FOR THE PURPOSE OF UPDATING THE REGULATION OF PRIVATE SWIMMING  
POOLS CONSISTENT WITH THE UNIFORM CONSTRUCTION CODE,  
CLARIFYING WHAT PROJECTIONS ARE PERMITTED TO INTRUDE INTO SIDE  
YARDS AND CLARIFYING THE STANDARDS FOR WHEN A USE AND  
OCCUPANCY PERMIT IS REQUIRED.**

WHEREAS, the Pennsylvania Borough Code authorizes the Borough to adopt ordinances to protect the public health, safety and welfare; and

WHEREAS, the Pennsylvania Municipalities Planning Code provides for the enactment of regulations controlling zoning and the planned development of municipalities; and

WHEREAS, the current Zoning Ordinance regulations for swimming pools set a threshold that is not consistent with the Uniform Construction Code (UCC); and

WHEREAS, the standards for what projections may intrude into side yards and by how much are able to be more clearly stated; and

WHEREAS, the standards for when a use and occupancy permit is required may be clarified to make clear that such permits are required upon transfer of the property; and

WHEREAS, the Borough now desires to amend the section on swimming pools to be consistent with the UCC, clarify the standards for projections into side yards, and to clarify the requirement for use and occupancy permits upon transfer of such property.

NOW THEREFORE, IT IS HEREBY ORDAINED AND ENACTED by the Borough Council of Morton Borough as follows:

1. **Amendment of Subsection 1(B) of Chapter 27, Part 15, § 1506 “Private Swimming Pools”** Subsection 1(B) of Chapter 27, Part 15, § 1506 of the Code of Ordinances of Morton Borough, entitled “Accessory Buildings and Structures” is hereby amended to read as follows:

**§ 27-1506 Private Swimming Pools.**

B. Non-commercial swimming pools designated to contain more than twenty-four (24) inches of water shall be erected in conformity with the following requirements.

- (1) A permit shall be required to locate, construct, or maintain a non-commercial swimming pool.
- (2) Swimming pools shall be in the rear or side yard only and shall not be in the front yard. They shall be no closer to a property line than 10 feet in a residential district. In no case shall such pool be located under any electrical lines or over utility lines.
- (3) Every non-commercial swimming pool shall be entirely enclosed with a good quality chain-link, wooden, or other equivalent fence of not less than four feet in height with locking gate.
- (4) If the water for such pool is supplied from a private well, there shall be no cross-connection with a public water supply system.
- (5) If the water for such pool is supplied from a public water supply system, the inlet shall be above the overflow level of said pool.
- (6) No permit shall be granted for the installation or construction of any in-ground pool, permanent pool or portable pool, unless the Borough Engineer has certified that the drainage of such pool is adequate and will not interfere with the water supply system, with existing sanitary facilities or with public streets.
- (7) Private swimming pools shall be designed, located, installed, and operated in accordance with this chapter, the Borough Building Code, and any other applicable ordinance.
- (8) Swimming pools shall be subject to and designed to conform with the maximum impervious surface regulations provided for the zoning district of the lot in question.

2. **Amendment of Subsection 6 of Chapter 27, Part 15, § 1512 “General Lot and Yard Requirements”** Subsection 6 of Chapter 27, Part 15, § 1512 of the Code of Ordinances of Morton Borough, entitled “General Lot and Yard Requirements” is hereby amended to read as follows:

§ 27-1512 General Lot and Yard Requirements.

6. Permitted Projections into Required Yards. No building or part hereof shall be erected within, or shall project into, any required minimum yard setback in any district except the following buildings and structures are permitted within a yard area, only under the conditions specified:

A. Cornices, eaves, gutters, chimneys, and other similar features projecting not more than two feet into a required yard;

- B. Ground-story bay windows projecting not more than five feet into a required yard and not closer than five feet to any lot line;
- C. Open balconies or decks projecting not more than five feet into a required yard and not closer than five feet to any side or rear lot line, provided that no support pillars or walls are located within the required yard;
- D. Terraces, patios, steps, handicapped ramps, uncovered-unenclosed porches, and other similar features less than two feet above the level of the floor of the ground story and not closer than five feet to any side or rear lot line;
- E. Fences, hedges or walls less than six feet high above the natural grade, subject to the requirements of Section 27-1507;
- F. Fire escapes, in side or rear yards only;
- G. Signs, in conformance with Chapter 1276, Signs;
- H. Other accessory structures permitted under Section 27-1504 subject to the requirements of that Chapter.

Space provided to satisfy the yard and area requirements for any building or structure, either existing or proposed, shall not be used to meet the yard and area requirements for any other building or structure.

**3. Amendment of Subsection 1 of Chapter 27, Part 15, § 1602 “Requirement for Use and Occupancy Permit”** Subsection 6 of Chapter 27, Part 15, § 1602 of the Code of Ordinances of Morton Borough, entitled “Requirement for Use and Occupancy Permit” is hereby amended to add new subsection 1(E) as follows:

§ 27-1602 Requirement for Use and Occupancy Permit.

- 1. A use and occupancy permit shall be required prior to any of the following:
  - A. Use and occupancy of any building or other structure hereafter erected or altered, for which a building permit is required.
  - B. Change in use of any building or structure or any part thereof.
  - C. Use of land or change in the use thereof except that the placing of vacant land under cultivation shall not require use and occupancy permit.
  - D. Change in use or extension of a non-conforming use.
  - E. Sale, transfer, or change in ownership of any improved property.

4. Repealer. All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of any inconsistency.

5. Severability. If any clause, sentence, paragraph or part of this Ordinance, or the application thereof to any person or circumstance, shall for any reason be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance nor the application of such clause, sentence, paragraph or part to other persons or circumstances, directly involved in the controversy in which such judgment shall have been rendered. It is hereby declared to be the legislative intent that this Ordinance would have been adopted had such provisions not been included or such persons or circumstances been expressly excluded from their coverage.

6. Effective Date. This ordinance shall be effective immediately.

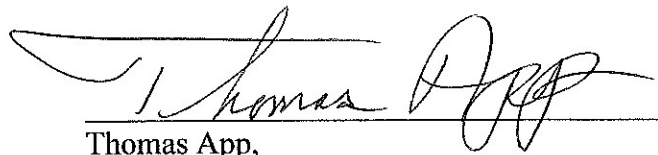
ENACTED and ORDAINED this 14<sup>th</sup> day of October, A.D., 2020.

BOROUGH OF MORTON:



Michelle Miller,  
Council President

APPROVED this 14<sup>th</sup> day of October, A.D., 2020



Thomas App,  
Mayor of Morton Borough

Attest: Martha Preston  
Martha Preston,  
Borough Secretary