

No. 299

AN ACT

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.

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

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.

"Public bathing place," defined.

(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.

"Swimming pool," defined.

(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.

"Natatorium," defined.

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

"Department," defined.

Section 3. Classification.—Bathing places shall be classified as follows:

Classification of bathing places.

(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.

Water to be clean and sanitary.

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.

Analyzed.

(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

Chemical content.

users of said public bathing places and swimming pools and contrary to the rules and regulations of the department.

Section 5. Permits.—

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.

Method of obtaining.

(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.

Application.

Fee and information required.

(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.

Investigation.

(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. If the applicant be aggrieved at such refusal and believes an injustice has been done, the applicant, on payment of the reasonable expense of preparing the same, shall be privileged to have such record certified to the common pleas court of Dauphin County. Where-

Refusal.

Certification of record to court.

upon said court shall review such record and proceeding and promptly enter such order and decree as the facts shall justify.

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.

Issuance of permit.

Section 7. License Fees.—When operated for profit or public use in cities and towns of less than fifteen hundred population, the owners, managers and operators of such bathing and swimming places, for each separate place or pool, shall, after being granted a permit, pay annually a license fee of five (\$5.00) dollars, and in all other villages, towns, boroughs or cities, the annual license fee for such permit shall be ten (\$10.00) dollars. Failure to pay promptly such annual license fee shall operate as a revocation of the permit, and a new application shall be made therefor in the manner provided for original application before such bathing or swimming place shall be reopened.

License fees.

All license fees and 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.

Disposition of fees, etc.

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 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.

Access to bathing place.

Examination and investigation.

(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

Place to be closed for violation of act.

be brought and carried to final judgment by the department against each and every person violating any of the provisions of this act.

Records.

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

Construction.

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.

Local governments not to impose license fee.

Proviso.

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.

Revocation or suspension of permit.

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.

Public nuisance.

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.

Abatement.

Violation of act.

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 misdemeanor. 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

Misdemeanor.

Penalty.

the county jail for a term not exceeding six months, or by both such fine and imprisonment.

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 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. Repeal.

APPROVED—The 23d day of June, A. D. 1931.

GIFFORD PINCHOT

No. 300

AN ACT

To amend sections one and two of the act, approved the fifteenth day of July, one thousand eight hundred and ninety-seven (Pamphlet Laws, two hundred seventy-six), entitled "An act to prohibit the payment of any occupation or poll tax assessed for State or county purposes of any elector, by any person other than the elector against whom such tax is assessed, except upon the written and signed order of such assessed elector, and prescribing penalties," by providing certain exemptions.

Section 1. Be it enacted, &c., That section one of the act, approved the fifteenth day of July, one thousand eight hundred and ninety-seven (Pamphlet Laws, two hundred seventy-six), entitled "An act to prohibit the payment of any occupation or poll tax assessed for State or county purposes of any elector, by any person other than the elector against whom such tax is assessed, except upon the written and signed order of such assessed elector, and prescribing penalties," is hereby amended to read as follows:

Poll tax.

Section 1,
Act of July
15, 1897 (P. L.
276), amended.

Section 1. Be it enacted, &c., That from and after the passage of this act it shall be unlawful for any person or persons to pay or cause to be paid any occupation or poll tax assessed against any elector, except [on] *where paid by a husband or wife for his or her spouse, or by a parent for his or her child, unless pursuant to the written and signed order of such elector authorizing such payment to be made, which written and signed order must be presented at least thirty days prior to the date of holding the election at which such elector desires to vote.*

Payment of
poll tax for other
persons prohibited.

Exceptions.

Section 2. That section two of said act is hereby amended to read as follows:

Section 2
amended.