

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

## HOUSE BILL

No. 1565 Session of  
2023INTRODUCED BY BRIGGS, KINSEY, FRANKEL, SANCHEZ, MADDEN, ROZZI  
AND GREEN, JULY 11, 2023AS REPORTED FROM COMMITTEE ON HEALTH, HOUSE OF REPRESENTATIVES,  
AS AMENDED, SEPTEMBER 27, 2023

## AN ACT

1 Amending the act of June 23, 1931 (P.L.899, No.299), entitled  
2 "An act regulating public bathing places, swimming pools,  
3 public bath houses, public and private natatoriums, turkish  
4 bath houses, all places hired for any form of bathing or  
5 swimming, and all related appurtenances; fixing license fees;  
6 providing, in matters of sanitation, cleanliness and safety,  
7 for supervision by the Department of Health; and prescribing  
8 penalties for violations," further providing for title of act  
9 and for short title; providing for definitions, for water  
10 supply, for certified lifeguards, for swimming pool  
11 pesticides, for safety, for public notice, for hygiene, for  
12 violations and penalties, for permits, for issuance of  
13 permit, for fees, for powers and duties of department, for  
14 validity, for construction, for permit revocation or  
15 suspension, for public nuisance declaration, for violations  
16 and for repeals; and making editorial changes.

17 The General Assembly of the Commonwealth of Pennsylvania  
18 hereby enacts as follows:

19 Section 1. The title and sections 1, 2, 3, 4, 4.1 and 4.2 of  
20 the act of June 23, 1931 (P.L.899, No.299), known as the Public  
21 Bathing Law, are amended to read:

## AN ACT

22  
23 Regulating public bathing places, swimming pools, public bath  
24 houses, [public and private natatoriums, turkish bath

houses,] all places hired for any form of bathing or swimming, and all related appurtenances; fixing [license] permit fees; [providing,] in matters of sanitation, cleanliness and safety, providing for supervision by the Department of Health; and prescribing penalties for violations.

[Section 1. Be it enacted, &c., That this]

Section 1. Short title.

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

1 bathing.

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

4 (5) A certified lifeguard shall mean an individual who has a  
5 current certification in lifeguarding from a certifying  
6 authority recognized by the department in a notice published in  
7 the Pennsylvania Bulletin.

8 (6) A recreational swimming establishment shall mean a  
9 facility that is designed, constructed and/or designated for use  
10 by individuals for the primary purpose of swimming, where a fee  
11 is charged for admission. This definition shall include, but is  
12 not limited to, swimming pools, water rides, wave pools and  
13 swimming beaches and other outdoor swimming facilities. The term  
14 excludes those facilities owned by condominiums, other property  
15 owner associations, rental arrangements which include three or  
16 more families or social units, hotels or motels, campgrounds,  
17 private clubs and private organizations which do not provide  
18 access to the general public, swimming facilities used  
19 exclusively for hydrotherapy and residential swimming facilities  
20 used solely by the owner of a residence, his family and personal  
21 guests.

22 Section 3. Classification.--Bathing places shall be  
23 classified as follows:

24 (1) Natural lakes, ponds, pools, rivers and water streams.

25 (2) Outdoor ponds, pools, and streams which may be partly  
26 artificial and partly natural.

27 (3) Outdoor or indoor bathing or swimming pools and places  
28 which are entirely artificial in construction.

29 (4) Recreational swimming establishments.

30 Section 4. In all places used and intended to be used for

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

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

15 Section 4.1. Certified Lifeguards.--]

16 Section 2. Definitions.

17 The following words and phrases when used in this act shall  
18 have the meanings given to them in this section unless the  
19 context clearly indicates otherwise:

20 "Beach." A body of natural water, impounded or flowing, of a  
21 size in relation to the bathing load that the quality and  
22 quantity, confined or flowing, does not need to be mechanically  
23 controlled for the purpose of purification or contained in an  
24 impervious structure.

25 "Department." The Department of Health of the Commonwealth.

26 "Lifeguard." An individual who has a current lifeguard  
27 certificate issued by a lifeguard certifying authority  
28 recognized by the department and published in the Pennsylvania  
29 Bulletin.

30 "Natatorium." A place in a building or parts of buildings,

1 maintained and conducted by a person, club, corporation,  
2 association or society or other organization, where fees are  
3 charged to public or member patrons for swimming or bathing,  
4 including Turkish, Swedish or other forms of bathing.

5 "Public bathing place." An outdoor or indoor area used for  
6 amateur, professional or recreative swimming or bathing, whether  
7 or not a fee is charged for admission or for the use of the  
8 area. The following apply:

9 (1) The term includes a recreational swimming  
10 establishment, spa or spray pool.

11 (2) The term excludes the following unless otherwise  
12 noted:

13 (i) A bathing area at a private single-family  
14 residence which is used solely by the owner, family of  
15 the owner or guests of the owner.

16 (ii) A swimming pool, lake or pond owned, operated  
17 and maintained for the exclusive use and enjoyment of  
18 residents of a condominium or cooperative or members of a  
19 property owners' association or the personal guests of  
20 the residents or members, except with respect to the  
21 regulation of the water supply and content, hygiene and <--  
22 pumping and electrical facilities and safety equipment.

23 THE WATER SUPPLY AND SAFETY. <--

24 "Recirculation system." The combination of mechanically  
25 controlled drains, gutters or skimmers, inlets, piping, pumps,  
26 controls, surge tanks or balance tanks to provide water  
27 recirculation to and from an impervious structure and the  
28 treatment systems.

29 "Recreational swimming establishment." A public bathing  
30 place that charges an admission fee. The term excludes:

1       (1) Facilities owned by a property owners' association.

2       (2) Rental arrangements which include three or more  
3       families or social units.

4       (3) Hotels and motels.

5       (4) Campgrounds.

6       (5) Private clubs or organizations which do not provide  
7       access to the general public.

8       (6) Swimming facilities used exclusively for  
9       hydrotherapy.

10      "Spa." A structure, chamber or tank, including a hot tub,  
11      spray pool or whirlpool, that is designed for recreational or  
12      therapeutic use and is not designed to be drained, cleaned or  
13      refilled after each individual use.

14      "Spray pool" or "splash pad." A unit containing spray  
15      features intended for recreational use that does not allow water  
16      to pool in the basin.

17      "Swimming pool." A place in the open or enclosed in any  
18      structure or building for the purpose of admitting two or more  
19      people to bathe or swim together.

20      "Unit." A separate and distinct public bathing place within  
21      a facility with one or more public bathing places, including a  
22      swimming pool, spray pool, splash pad, spa, beach or other water  
23      attraction.

24      Section 3. (Reserved).

25      Section 4. Water supply.

26      (a) Requirements.--A public bathing place that operates a  
27      recirculation system shall:

28              (1) Be equipped with an approved device to provide  
29              continuous disinfection to prevent the growth of pathogenic  
30              organisms.

1       (2) Maintain a recirculation and filtration system  
2       capable of maintaining chemical and physical standards. The  
3       system shall:

4           (i) Have a bacteriological analysis on a consistent  
5           and timely basis during the period of maximum use of the  
6           public bathing place as provided by regulation and  
7           appropriate for public health.

8           (ii) Monitor the water quality to ensure standards  
9           are met. All monitoring results must be recorded on a  
10          form provided OR APPROVED by the department. A copy of <--  
11          the results must be kept on file for three years by the  
12          facility owner and any corrective action taken shall be  
13          documented in the appropriate records.

14          (iii) Ensure that all water in a public bathing  
15          place, swimming pool or spa is sufficiently clear so that  
16          a six-inch colored disk is clearly visible from the  
17          surface of the swimming pool or spa.

18       (b) Definition.--As used in this section, the term "public  
19       bathing place" shall include a condominium. SWIMMING POOL, LAKE <--  
20       OR POND OWNED, OPERATED AND MAINTAINED FOR THE EXCLUSIVE USE AND  
21       ENJOYMENT OF RESIDENTS OF A CONDOMINIUM OR COOPERATIVE OR  
22       MEMBERS OF A PROPERTY OWNERS' ASSOCIATION OR THE PERSONAL GUESTS  
23       OF THE RESIDENTS OR MEMBERS.

24       Section 4.1. Certified lifeguards.

25       (a) Number.--An adequate number of certified lifeguards  
26       shall be on duty at a recreational swimming establishment when  
27       the recreational swimming establishment is open to the public.

28       (b) Requirements.--The department shall promulgate  
29       regulations to determine the number of lifeguards required at a  
30       recreational swimming establishment using objective criteria

1 that take into consideration industry standards. The department  
2 shall consult with approved certifying authorities and  
3 recreational swimming establishments to develop [regulations]  
4 requirements relating to lifeguards.

5 [Section 4.2. Swimming Pool Pesticides.--]

6 Section 4.2. Swimming pool pesticides.

7 The use of general use pesticides in the care and maintenance  
8 of a swimming pool at a private single-family residence by any  
9 person is authorized without any certification restrictions  
10 imposed by the act of March 1, 1974 (P.L.90, No.24), known as  
11 the "Pennsylvania Pesticide Control Act of 1973," or any  
12 regulations promulgated [thereunder] under the act.

13 Section 2. The act is amended by adding sections to read:

14 Section 4.3. Safety.

15 (a) Electrical safety.--An operator of a public bathing  
16 place under this act shall maintain electrical equipment and  
17 wiring as appropriate to ensure public health.

18 (b) Vector control.--An operator and owner of a public  
19 bathing place under this act shall take adequate measures for  
20 the control of arthropods and rodents.

21 (c) Barriers.--Construction, equipment, operation and  
22 maintenance at a public bathing place shall reduce, to a  
23 practical minimum, the danger of injury to persons from  
24 drowning, falls, collisions, fires, nuisances or hazards of any  
25 kind.

26 (d) Safety equipment.--An operator of a public bathing place  
27 or other facility covered under this act shall ensure that  
28 required safety equipment is stocked and available for public  
29 use at all times.

30 (e) Definition.--As used in this section, the term "public



1 bathing place" shall include a ~~condominium~~. SWIMMING POOL, LAKE <--  
2 OR POND OWNED, OPERATED AND MAINTAINED FOR THE EXCLUSIVE USE AND  
3 ENJOYMENT OF RESIDENTS OF A CONDOMINIUM OR COOPERATIVE OR  
4 MEMBERS OF A PROPERTY OWNERS' ASSOCIATION OR THE PERSONAL GUESTS  
5 OF THE RESIDENTS OR MEMBERS.

6 Section 4.4. Public notice.

7 (a) Notice.--A public bathing place shall be subject to  
8 notice requirements as determined by the department. The notice  
9 under this section shall be made available to the public upon  
10 request and shall contain the following information:

11 (1) A copy of the most recent electrical inspection.

12 (2) A copy of the most recent bacteriological monitoring  
13 results.

14 (3) A copy of the lifeguard certification, first aid  
15 certification and cardiopulmonary resuscitation certification  
16 for each lifeguard employed at the facility.

17 (4) A copy of all applicable safety data sheets.

18 (5) A copy of the public bathing place permit.

19 (b) Hot tubs and spas.--A hot tub and spa shall be posted  
20 with the signage indicating information as appropriate to ensure  
21 compliance with safe use of a hot tub and spa.

22 (c) Placement of signs.--A public bathing place shall post  
23 signs at the entrance stating that all incidents involving  
24 vomitus, fecal contamination or unsafe conditions must be  
25 reported to management immediately.

26 (d) Hours of operation.--A public bathing place shall post a  
27 sign at the entrance stating the hours of operation.

28 Section 4.5. Hygiene.

29 (a) Food safety.--If food service is provided at a public  
30 bathing place, the food service facilities and operations shall

1 comply with the requirements under 3 Pa.C.S. Ch. 57 Subch. A  
2 (relating to retail food facility safety).

3 (b) Sewage.--A sewerage system serving a public bathing  
4 place shall be approved by the Department of Environmental  
5 Protection. The approval shall be based upon satisfactory  
6 compliance with 25 Pa. Code Ch. 73 (relating to standards for  
7 onlot sewage treatment facilities) and the act of June 22, 1937  
8 (P.L.1987, No.394), known as The Clean Streams Law.

9 Section 4.6. Violations and penalties.

10 The department may impose the following administrative or  
11 civil penalties on a public bathing place in violation of this  
12 act:

13 (1) The department may levy a civil penalty of up to  
14 \$5,000 per day upon a person that owns or operates a public  
15 bathing place in this Commonwealth in violation of the  
16 provisions of this act.

17 (2) The department shall hold hearings and issue  
18 adjudications in accordance with 2 Pa.C.S. (relating to  
19 administrative law and procedure). The adjudications may be  
20 appealed to Commonwealth Court under 42 Pa.C.S. § 763  
21 (relating to direct appeals from government agencies).

22 Section 3. Sections 5, 6, 7, 8, 9, 10, 11, 12, 13 and 14 of  
23 the act are amended to read:

24 [Section 5. Permits.--]

25 Section 5. Permits.

26 (a) General rule.--It shall be unlawful for [any] a person  
27 or persons, club, firm, corporation, partnership, institution,  
28 association, municipality or county to construct, add to or  
29 modify, or to operate, or continue to operate, any public bath  
30 [house, bathing swimming place or swimming pool, spa, beach,

<--

1 natatorium, or any structure intended to be used for bathing or  
2 swimming purposes, indoors or outdoors] PLACE, without having <--  
3 first obtained a permit so to do or being in possession of an  
4 unrevoked permit.

5 (b) [Permits shall be obtained in the following manner: Any]  
6 Application.--A person or persons, firm, corporation, co-  
7 partnership, associations, institution, municipality or county,  
8 or other body, desiring to construct, add to or modify, or to  
9 operate and maintain any public bathing place, bath house,  
10 bathing or swimming pool, natatorium, place or structure,  
11 indoors or outdoors, intended to be used for hire for bathing or  
12 swimming within [the] this Commonwealth, shall file with the  
13 department, on [blanks prepared by it] a form prepared by the  
14 department, an application for permission to operate [such] a  
15 bathing place or swimming pool.

16 (b.1) Validity of permit.--A permit shall be valid for a  
17 period of one year, effective from April 1 to March 31 of the  
18 following year.

19 (c) Application.--Each application shall [be accompanied by  
20 a fee of ten (\$10.00) dollars, and by] include:

21 (1) maps, drawings, specifications and descriptions of  
22 the bathing place, pool, or structure[, its];

23 (2) the bathing place's, pool's or structure's  
24 appurtenances and operations[, descriptions];

25 (3) a description of the source or sources of water  
26 supply[,];

27 (4) the amount of chemical content and quality of water  
28 available and intended to be used[,];

29 (5) the method and manner of water purifications,  
30 treatment, disinfection, heating, regulating and cleaning[,]

1 and];

2 (6) measures employed to insure installation of  
3 necessary lavatories, dressing rooms, segregation of sexes,  
4 and personal cleanliness of bathers[,];

5 (7) the method and manner of washing, disinfecting,  
6 drying, and storing bathing apparel and towels[,]; and

7 (8) all other information and statistics that may be  
8 required by the rules and regulations of the department.

9 (d) [Thereupon the department shall cause an investigation  
10 to be made of] Investigation.--The department shall investigate  
11 the proposed bathing place or existing place, pond or pool. If  
12 [it shall be determined] the department determines that the  
13 bathing or swimming place reasonably may be expected to become  
14 unclean, unsanitary, a nuisance, or may constitute a menace to  
15 public health, the department shall immediately refuse a permit  
16 [therefor] in a written order or decision giving the reasons for  
17 [such] the refusal, and notify the applicant of [said] the  
18 refusal.

19 ~~{Section 6.}~~

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20 ~~(e) Exception. A permit shall not be required for a~~  
21 ~~facility inside a condominium, cooperative or property owners'~~  
22 ~~association, as long as the facility is solely for the use of~~  
23 ~~members or personal guests of the members. The facility must be~~  
24 ~~registered with the department, including location, owner~~  
25 ~~contact information and other information as requested by the~~  
26 ~~department for the purpose of inspection.~~

27 [SECTION 6.]

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28 Section 6. Issuance of permit.

29 If the department [shall determine] determines that the  
30 bathing or swimming place, for which a permit is applied, is or

1 may be maintained continually in a clean, sanitary and healthful  
2 manner, and will not constitute or become a menace to the public  
3 health, promote immorality, or be a public nuisance, [it] the  
4 department shall notify the applicant for [such] the permit  
5 under what conditions and restrictions, if any, the department  
6 will issue a permit. [Thereupon, if the said applicant then  
7 shall desire such permit, and shall agree] If the applicant  
8 agrees to comply with the restrictions and conditions prescribed  
9 by the department, the department shall issue the permit.

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

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

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

24 (b) If it be determined upon such examination and  
25 investigation that any bathing or swimming place is being  
26 maintained contrary to the provisions of this act, such bathing  
27 and swimming place forthwith shall be closed to all persons, and  
28 the bathing or swimming pools be drained and kept dry until  
29 provision is made to comply with this law and permission given  
30 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.]

#### Section 7. Fees.

(a) Application fee.--A new application for a permit to construct, add to, modify or to operate or maintain a public bathing place shall be accompanied by a fee of \$100 for the initial unit and \$50 for each additional unit.

(b) Annual renewal permit fee.--Beginning in the calendar year following the payment of the application fee, or if a permit from the department is received prior to 2024, a person or persons, club, firm, corporation, partnership, institution, association, municipality or county in possession of a permit under this act shall pay an annual renewal permit fee to the department prior to April 1 to renew the permit, and the fee shall be based on the total water surface area of all permitted units of the public bathing place as follows:

(1) The fee shall be \$100 if the total square feet of permitted water surface is less than 600 square feet.

(2) The fee shall be \$125 if the total square feet of permitted water surface is equal to or greater than 600 and less than 1,000 square feet.

(3) The fee shall be \$150 if the total square feet of permitted water surface is equal to or greater than 1,000 square feet and less than 10,000 square feet.

(4) The fee shall be \$300 if the total square feet of permitted water surface is equal to or greater than 10,000

square feet.

(c) Replacement permit.--Each request to the department for a permit replacement due to ownership change, name change or lost permit shall be accompanied by a fee of \$25.

(d) Fees.--All fees collected by the department under this section shall be paid to the department to administer the program. Fees may be updated by rules and regulations of the department.

Section 8. Powers and duties of department.

(a) Regulations.--The department shall promulgate regulations necessary to implement the provisions of this act. The department shall consider the most up-to-date guidance published in the Model Aquatic Health Code as developed by the Centers for Disease Control and Prevention.

(b) Access and closure.--The department shall have access to any part of the premises of a facility permitted OR REGISTERED under the provisions of this act. A public bathing place in violation of this act shall be closed to all persons until the public bathing place is brought into compliance and permitted by the department to reopen. <--

(c) Records.--The department shall make complete and detailed records of all investigations, inspections and prosecutions.

~~{Section 9.}~~ <--

(d) Temporary regulations.--The following apply:

(1) In order to facilitate the prompt implementation of this chapter, the department shall promulgate temporary regulations that shall expire not later than two years following the publication of the temporary regulations. The temporary regulations shall not be subject to:

1           (i) Sections 201, 202, 203, 204 and 205 of the act  
2           of July 31, 1968 (P.L.769, No.240), referred to as the  
3           Commonwealth Documents Law.

4           (ii) The act of June 25, 1982 (P.L.633, No.181),  
5           known as the Regulatory Review Act.

6           (iii) Sections 204(b) and 301(10) of the act of  
7           October 15, 1980 (P.L.950, No.164), known as the  
8           Commonwealth Attorneys Act.

9           (2) The department's authority to adopt temporary  
10          regulations under paragraph (1) shall expire six months after  
11          the effective date of this section. Regulations adopted after  
12          this period shall be promulgated as provided by law.

13          (3) The department shall transmit the temporary  
14          regulations to the Legislative Reference Bureau for  
15          publication in the next available issue of the Pennsylvania  
16          Bulletin no later than six months after the effective date of  
17          this section.

18          [SECTION 9.]

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19          Section 9. Validity.

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

24          [Section 10. No township, borough, city, or county, for  
25          operating and carrying on the business licensed and regulated by  
26          this act, shall impose any license fee in addition to the fees  
27          herein prescribed: Provided, however, That the owners or  
28          managers of such bathing places or swimming pools shall be  
29          privileged to apply to the proper authorities of the  
30          municipality in which such bathing or swimming place is located



1 and pay for any police and other protection necessary to protect  
2 the patrons of such place from personal and bodily injury.] <--

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

9 ~~Section 12.~~

10 ~~Any~~

11 Section 10. Construction.

12 A township, borough, city or county shall not impose a permit  
13 fee in addition to the fees prescribed in this act. Nothing in  
14 this section shall be construed to prevent the facility operator  
15 of a public bathing place to apply for the provision of any  
16 police and other protection necessary to ensure public safety.

17 [SECTION 11. ANY PERMIT GRANTED BY THE DEPARTMENT, AS <--  
18 PROVIDED IN THIS ACT, SHALL BE REVOCABLE OR SUBJECT TO  
19 SUSPENSION AT ANY TIME IF THE DEPARTMENT SHALL DETERMINE THAT  
20 THE BATHING OR SWIMMING PLACE OR POOL IS OR HAS BEEN CONDUCTED  
21 IN A MANNER UNSANITARY, UNCLEAN, PROMOTING IMMORALITY OR IS  
22 DANGEROUS TO THE PUBLIC HEALTH.]

23 Section 11. Permit revocation or suspension.

24 A violation of the provisions of this act shall be grounds  
25 for permit revocation or suspension.

26 [SECTION 12. ANY] <--

27 Section 12. Public nuisance declaration.

28 A bathing or swimming place constructed, operated or  
29 maintained contrary to the provisions of this act is [hereby]  
30 declared to be a public nuisance, and, after being closed and

1 drained of all water promptly, shall be abated and enjoined as  
2 other nuisances are abated and enjoined by an action brought by  
3 the Attorney General in any common pleas court of the county  
4 when [such] the public nuisance is being maintained.

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

20 ~~Section 14.] <--~~

21 Section 13. Violations.

22 (a) Criminal violation.--A firm, corporation, association or  
23 institution whether as principal, agent or employer that  
24 violates by any act of omission or commission, or in any manner  
25 is a party to or directly or indirectly aids or permits a  
26 violation of any of the provisions of this act, shall be guilty  
27 of a summary offense of the fifth degree and be subject to  
28 jurisdiction and penalties as defined under 34 Pa.C.S. § 925  
29 (relating to jurisdiction and penalties). Each day that the  
30 conditions or acts in violation of this act shall remain or

1 continue is deemed a separate and distinct offense.

2 (b) Jurisdiction.--The Attorney General and county district  
3 attorney's offices shall have concurrent jurisdiction over  
4 offenses under this section.

5 [SECTION 14.]

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6 Section 14. Repeals.

7 All acts or parts of acts contrary to or inconsistent with  
8 the provisions hereof are hereby repealed. But nothing contained  
9 in this act shall be contained in this act shall be construed to  
10 repeal the provisions of any law the enforcement of which is  
11 vested in the FORMER Department of Forests and Waters [or], the <--  
12 FORMER Water and Power Resources Board[.], THE DEPARTMENT OF <--  
13 CONSERVATION AND NATURAL RESOURCES OR THE DEPARTMENT OF  
14 ENVIRONMENTAL PROTECTION.

15 Section 4. This act shall take effect in 60 days.