

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1565 Session of 2023

INTRODUCED BY BRIGGS, KINSEY, FRANKEL, SANCHEZ, MADDEN, ROZZI AND GREEN, JULY 11, 2023

AS 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

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

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

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

8 Section 1. Short title.

9 This act shall be known[,] and may be cited as the "Public
10 Bathing Law."

11 [Section 2. Definitions, as used in this act:

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

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

26 (3) A natatorium shall mean a place in any building, or
27 parts of buildings, maintained and conducted by any person or
28 persons, club, corporation, association, or society or other
29 organization, where fees are charged to public or member patrons
30 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.}~~ <--

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.] <--

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

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

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

7 Section 7. Fees.

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

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

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

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

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

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

1 square feet.

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

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

9 Section 8. Powers and duties of department.

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

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

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

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

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

26 (1) In order to facilitate the prompt implementation of
27 this chapter, the department shall promulgate temporary
28 regulations that shall expire not later than two years
29 following the publication of the temporary regulations. The
30 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 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.