

Two sided document

421.10 Enclosures for private swimming pools, spas and hot tubs: In lieu of any zoning laws or ordinances to the contrary, private swimming pools, spas and hot tubs shall be enclosed in accordance with 780CMR 421.10.1 through 421.10.4 or by other approved barriers.

421.10.1 Outdoors private swimming pool: An outdoors private swimming pool, including and in-ground, above ground or on-ground pool, hot tub or spa shall be provided with a barrier which shall comply with the following:

1. The top of the barrier shall be at least 48" (1219mm) above finish ground level measured on the side of the barrier, which faces away from the swimming pool. The maximum vertical clearance between finished ground level and the barrier shall be 2" (51mm) measured on the side of the barrier, which faces away from the swimming pool. Where the top of the pool structure is above finished ground level, such as an above ground pool, the barrier shall be at finished ground level, such as the pool structure, or shall be mounted on top of the pool structure. Where the barrier is mounted on top of the pool structure, the maximum vertical clearance between the top of the pool structure and the bottom of the barrier shall be 4" (102mm).
2. Opening in the barrier shall not allow passage of a 4" (102mm) diameter sphere.
3. Solid barriers shall not contain indentations or protrusions except for normal construction tolerances and tooled masonry joints.
4. Where the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members is less than 45" (1143mm), the horizontal members shall be located on the swimming pool side of the fence. Spacing between vertical members shall not exceed 1 3/4" (44mm) in width. Decorative cutouts shall not exceed 1 3/4" (44mm) in width.
5. Where the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members is 45" (1143mm) or more, spacing between vertical members shall not exceed 4" (102mm). Decorative cutouts shall not exceed 1 3/4" (44mm) in width.
6. Maximum mesh size for chain link fences shall be a 1 1/2" (32MM) square unless the fence is provided with slats fastened at the top or the bottom which reduce the openings to not more than 1 3/4" (44mm).
7. Where the barrier is composed of diagonal members, such as a lattice fence, the maximum opening formed by the diagonal members shall be not more than 1 3/4" (44mm).
8. Access gates shall comply with the requirements of 780 CMR 421.10.1 items 1 through 7, and shall be equipped to accommodate a locking device. Pedestrian access gates shall open outwards away from the pool and shall be self-closing and have a self-latching device. Gates other than pedestrian access gates shall have a self-latching device. Where the release mechanism of the self-latching device is located less than 54" (1372mm) from the bottom of the gate:
 - a. The release mechanism shall be located on the poolside of the gate at least 3" (76mm) below the top of the gate.
 - b. The gate and barrier shall not have an opening greater than 1/2" (13mm) within 18" (457mm) of the release mechanism.
9. Where a wall of a dwelling serves as part of the barrier, one of the following shall apply:
 - 9.1 All doors with direct access to the pool through that wall shall be equipped with an alarm which produces an audible warning when the door and its screen door, if present, are opened. The audible warning shall commence not more than 7 seconds after the door and screen door, if present, are opened and shall sound continuously for a minimum of 30 seconds. The Alarm shall have a minimum sound pressure rating of 85 dBA at 10' (3048mm) and the sound of the alarm shall be distinctive from other household sounds such as smoke alarms, telephones and door bells. The alarm shall automatically reset under all conditions. The alarm shall be equipped with manual means, such as touch pads or switches, to deactivate temporarily the alarm of a single opening from either direction. Such deactivation shall last for not more than 15 seconds. The deactivation touch pads or switches shall be located at least 54" (1372mm) above the threshold of the door.
 - 9.2 The pool shall be equipped with an approved power safety cover.
10. Where an aboveground pool structure is used as a barrier or where the barrier is mounted on top of the pool structure, and the means of access is a fixed or removable ladder or step, the ladder or steps shall be surrounded by the barrier, which meets the requirements of 780 CMR 421.10.1 items 1 through 9. A removable ladder shall not constitute an acceptable alternative to enclosure requirements.

421.10.2 Indoor private swimming pool: All walls surrounding an indoor private swimming pool shall comply with 780 CMR 421.10.1, item 9.

421.10.3 Prohibited locations: Barriers shall be located so as to prohibit permanent structures, equipped or similar objects from being used to climb the barrier.

GUIDANCE REGARDING OUTDOOR, ABOVE-GROUND SWIMMING POOLS (9-18-2007)

There has been much discussion regarding whether or not an outdoor, above-ground swimming pool may be able to utilize a retractable, lockable ladder in lieu of fencing or other barrier around the ladder (see the current 6th Edition Building Code, Section 421 or the new 7th Edition Building Code for One & Two Family Dwellings, Appendix 120.M).

After measured deliberation, the BBRS affirms the following:

1. The pool wall of an outdoor, aboveground pool (with pool walls extending at least 48" above grade at all points along the pool), substitutes for a fence or other barrier around the pool with the exception of the ladder area of the pool.
2. A retractable, lockable ladder, that cannot be removed (without tools or special knowledge available to a small child), which retracts by hinge or sliding mechanism, to 48" or more above the finish grade level and has provision for securing in the retracted mode with a locking device, shall be considered an acceptable alternative to the applicable required enclosure (fence or other gate barrier) of the current 6th Edition Building code, Section 421 or the new 7th Edition Building Code for One & Two Family Dwellings, Appendix 120.M.
3. The retractable ladder locking/release device must be located at least 54" above the finished grade level in immediate vicinity of the retractable ladder or such locking/release mechanism shall be located on the pool side of the ladder (forcing "reach around") and located at least 3" below the top of the ladder and the ladder shall not have an opening greater than 1/2" within 18" of the locking/release mechanism.

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HOMEOWNER'S AFFIDAVIT
IN-GROUND SWIMMING POOLS

I understand that I am required per Massachusetts State Building code 780 CMR 420.10.1 and Dracut Zoning By-laws Section 2.11.50 to comply with the following for in-ground swimming pools:

1. To keep temporary fencing around excavation site for the in-ground swimming pool.
2. Erect permanent fencing **within seven (7) days of completion** of the pool. The enclosure shall be at least five (5) feet in height and gates shall be self-closing and self-latching. See 780 CMR 420.10.1 and 2.11.50 for further details. ***Note that while the State Building Code requirement for enclosure height is four (4) feet, the Dracut By-law requirement is five (5) feet.***
3. Certified "As-Built" must be provided before final inspection.
4. Call for final inspection when complete.

By signing this form I have read the foregoing and understand it and will comply with the requirements for in-ground swimming pools in the Town of Dracut.

Homeowner signature: _____ Date: _____

Print name: _____ Address: _____

HOMEOWNER'S AFFIDAVIT
ABOVE GROUND SWIMMING POOL

I understand that I am required per Massachusetts State Building code and Dracut Zoning By-laws Section 2.11.50 to comply with the following for aboveground swimming pools:

1. Have fence or Barrier at least five (5) feet above ground level. ***"A removable ladder shall not constitute and acceptable alternative to enclosure requirements." (780CMR 421.10.1) See reverse side guidance.***
2. Call for final inspection when complete.

Homeowner signature: _____ Date: _____

Print name: _____ Address: _____

Town of Dracut, Zoning setbacks: 15 feet rear, 15 feet sides and 30 feet front.
Note: If you have two fronts, you must meet the 30 feet frontage on both.