Two sided document

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 421.10.1 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 an 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.

780 CMR 120.M 105 Pool Barrier Requirements

120.M105.2 Outdoor Swimming Pool. An outdoor swimming pool, including an 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 inches (1219 mm) above grade measured on the side of the barrier which faces away from the swimming pool. The maximum vertical clearance between grade and the bottom of the barrier shall be two inches (51 mm) measured on the side of the barrier which faces away from the swimming pool. Where the top of the pool structure is above grade, such as an aboveground pool, the barrier may be at ground level, such as the pool structure, or 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 four inches (102 mm).

2. Openings in the barrier shall not allow passage of a four–inch–diameter (102 mm) sphere.

3. Solid barriers which do not have openings, such as a masonry or stone wall, 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 45inches (1143 mm), the horizontal members shall be located on the swimming pool side of the fence. Spacing between vertical members shall not exceed 1.75 inches (44 mm) in width. Where there are decorative cutouts within vertical members, spacing within the cutouts shall not exceed 1.75 inches (44 mm) 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 inches (1143 mm) or more, spacing between vertical members shall not exceed four inches (102 mm). Where there are decorative cutouts within vertical members, spacing within the cutouts shall not exceed 1.75 inches (44 mm) in width.

6. Maximum mesh size for chain link fences shall be a 2.25–inch (57 mm) square unless the fence is provided with slats fastened at the top or the bottom which reduce the openings to not more than 1.75 inches (44 mm).

7. Where the barrier is composed of dimensional members, such as a lattice fence, the maximum opening formed by the dimensional members shall not be more than 1.75 inches (44 mm).

8. Access gates shall comply with the requirements of 780 CMR 120.M105.2, **Items 1 through 7**, and shall be equipped to accommodate a locking device. Pedestrian access gates shall open outward 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 inches (1372 mm) from the bottom of the gate, the release mechanism and openings shall comply with the following: 8.1. The release mechanism shall be located on the pool side of the gate at least three inches (76 mm) below the top of the gate, and 8.2. The gate and barrier shall have no opening greater than 0.5 inch (12.7 mm) within 18 inches (457 mm) of the release mechanism.

9. Where a wall of a dwelling serves as part of the barrier one of the following conditions shall be met: 9.1. The pool shall be equipped with a powered safety cover in compliance with ASTM F1346; or

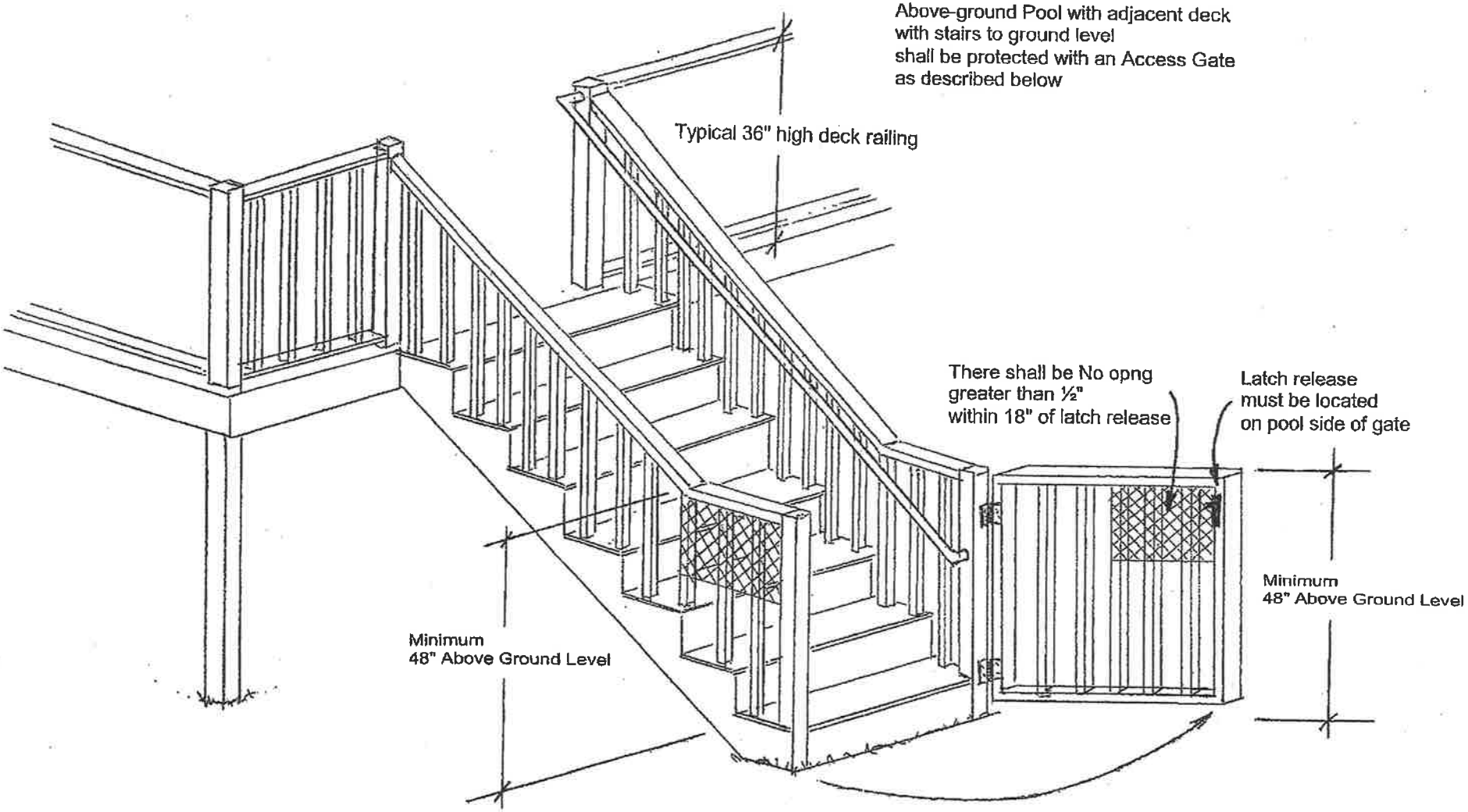
9.2. All doors with direct access to the pool through that wall shall be equipped with an alarm which produces an audible warning when the door and its screen, if present, are opened. The alarm shall sound continuously for a minimum of 30 seconds immediately after the door is opened and be capable of being heard throughout the house during normal house–hold activities. The alarm shall automatically reset under all conditions. The alarm system shall be equipped with a manual means, such as touchpad or switch, to temporarily deactivate the alarm for a single opening. Such deactivation shall last for not more than 15 seconds. The deactivation switch(es) shall be located at least 54 inches (1372 mm) above the threshold of the door; or 9.3. Other means of protection, such as self–closing doors with self latching devices, which are approved by the governing body, shall be acceptable so long as the degree of protection afforded is not less than the protection afforded by 780 CMR 120.M105.2., Item 9.1 or 9.2.

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 ladder or steps, then: **10.1**. The ladder or steps shall be capable of being secured, locked or removed to prevent access, or **10.2.** The ladder or steps shall be surrounded by a barrier which meets the requirements of 780 CMR 120.M105.2., Items 1 through 9. When the ladder or steps are secured, locked or removed, any opening created shall not allow the pass 120.Me of a four–inch–diameter (102mm) sphere. ***Note that for private, above ground pools:***

1. The pool wall of an outdoor, aboveground pool (with pool walls extending at least 48 inches 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 inches or more above the finished 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 780 CMR 421 (6th Edition Building Code), or 780 CMR 120.M (7thEdition Building Code for One- and Two-Family Dwellings).3. The retractable ladder locking/release device must be located at least 54 inches 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 three inches below the top of the ladder and the ladder shall not have an opening greater than ½ inch within 18 inches of the locking/release mechanism. Exception: Public and semi-public outdoor in-ground swimming pool enclosures shall conform to the requirements of M.G.L. c.140, § 206.

ACCESS GATES FOR POOL DECKS

Above-ground Pool with adjacent deck
with stairs to ground level
shall be protected with an Access Gate
as described below



Gates shall swing outwards away from pool
shall be self-closing with self-latching device
min. 3" from top