

421.9 Enclosures for outdoor, inground public and semi-public swimming pools: *Outdoor, inground public and semi-public swimming pools shall be provided with an enclosure in accordance with M.G.L. c. 140, § 206.*

421.9.1 Enclosure for public and semi-public outdoor, inground swimming pools: *Every public and semi-public outdoor, inground swimming pool shall be enclosed by a fence six feet in height and firmly secured at ground level provided that any board or stockade fence or structure shall be at least five feet in height, but if over five feet in height, the fence shall be chain link. Such enclosure, including gates therein, shall not be less than six feet above the ground, and any gate shall be self-latching with latches placed four feet above the ground or otherwise made inaccessible from the outside to children up to eight years of age. Such enclosure shall be constructed of such material and maintained so as not to permit any opening in said enclosure, other than a gate, wider than three inches at any point along the enclosure. Any such pool shall be equipped with at least one life ring and rescue hook.*

421.9.1.1 Enclosure for all other public and semi-public swimming pools: *The enclosure shall extend not less than four feet (1219 mm) above the ground. All gates shall be self-closing and self-latching with latches placed at least four feet (1219 mm) above the ground.*

421.9.2 Construction of enclosure for all other public and semi-public swimming pools: *Enclosure fences shall be constructed so as to prohibit the passage of a sphere larger than four inches (102 mm) in diameter through any opening or under the fence. Fences shall be designed to withstand a horizontal concentrated load of 200 pounds (91 kg) applied on a one-square-foot (0.093 m²) area at any point of the fence.*

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 780 CMR 421.10.1 through 421.10.4 or by other approved barriers.*

421.10.1 Outdoor private swimming pool: *An outdoor private swimming pool, including an inground, 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 finished 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 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 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 four inches (102 mm).

2. *Openings in the barrier shall not allow passage of a four-inch (102 mm) 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 inches (1143 mm), the horizontal members shall be located on the swimming pool side of the fence. Spacing between vertical members shall not exceed 1 1/4 inches (44 mm) in width. Decorative cutouts shall not exceed 1 1/4 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). Decorative cutouts shall not exceed 1 1/4 inches (44 mm) in width.*

6. *Maximum mesh size for chain link fences shall be a 1 1/4-inch (32 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 1/4 inches (44 mm).*

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 1/4 inches (44 mm).*

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 inches (1372 mm) from the bottom of the gate: (a) 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 (b) the gate and barrier shall not have an opening greater than ½ inch (13 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 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, if present, are opened. The audible warning shall commence not more than seven 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 ten feet (3048 mm) 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 touchpads or switches, to deactivate temporarily the alarm for a single opening from either direction. Such deactivation shall last for not more than 15 seconds. The deactivation touchpads or switches shall be located at least 54 inches (1372 mm) above the threshold of the door.

9.2. The pool shall be equipped with an approved power safety cover.

10. Where an above-ground 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 steps, the ladder or steps shall be surrounded by a 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, equipment or similar objects from being used to climb the barriers.

421.10.4 Exemptions: The following shall be exempt from the provisions of 780 CMR 421.0.

1. A spa or hot tub with an approved safety cover.
2. Fixtures which are drained after each use.

421.11 Diving boards: Minimum water depths and distances for diving hoppers for pools, based on board height above water, shall comply with Table 421.11(1) for public pools and Table 421.11 (2) for

private pools.

The maximum slope permitted between point D₂ and the transition point shall not exceed one unit vertical to three units horizontal (1:3) in private and public pools. D₁ is the point directly under the end of the diving boards. D₂ is the point at which the floor begins to slope upwards to the transition point. See Figure 421.11.

Figure 421.11
MINIMUM WATER DEPTHS AND
DISTANCES BASED ON BOARD HEIGHT
FOR ALL PUBLIC, SEMI PUBLIC AND
PRIVATE POOLS

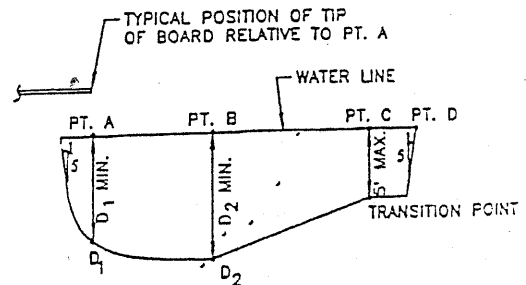


Table 421.11(1)
MINIMUM WATER DEPTHS AND
DISTANCES BASED ON BOARD
HEIGHT FOR ALL PUBLIC POOLS

Board height	Minimum depth ^a at D ₁ directly under end of board	Distance ^a between D ₁ and D ₂	Minimum depth ^a at D ₂
2'2" (¾ meter)	7'0"	8'0"	8'6"
2'6" (¾ meter)	7'6"	9'0"	9'0"
1 meter	8'6"	10'0"	10'0"
3 meter	11'0"	10'0"	12'0"

Note a. 1 foot = 304.8 mm.

Table 421.11(2)
MINIMUM WATER DEPTHS AND
DISTANCES BASED ON BOARD HEIGHT
FOR PRIVATE POOLS

Board height	Minimum depth ^a at D ₁ directly under end of board	Distance ^a between D ₁ and D ₂	Minimum depth ^a at D ₂
1'8" (½ meter)	6'0"	7'0"	7'6"
2'2" (¾ meter)	6'10"	7'6"	8'0"
2'6" (¾ meter)	7'5"	8'0"	8'0"
3'4" (1 meter)	8'6"	9'0"	9'0"

Note a. 1 foot = 304.8 mm.

780 CMR 422.0 EXISTING BUILDINGS

422.1 Existing Buildings: See 780 CMR 34.

422.2 Places of assembly

422.2.1 Change of use: An existing building or structure or part thereof shall not be altered or