
By Mr. Lewis, a petition (accompanied by bill, Senate, No. 948) of Arthur Joseph Lewis, Jr., for legislation relative to the safety of private swimming pools. Public Safety.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Eighty-two.

AN ACT RELATIVE TO THE SAFETY OF PRIVATE SWIMMING POOLS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Section 206 of chapter 140 of the General Laws, as most
2 recently amended by section 1 of chapter 223 of the acts of
3 1977, is hereby further amended by inserting after the sec-
4 ond section the following section: —

5 *Section 3.* Every private outdoor swimming pool shall be
6 completely enclosed by a wooden stockade fence at least six
7 feet in height and firmly secured at ground level. Such en-
8 closure, including gates therein, shall not be less than six
9 feet in height above the ground, and any gate shall be self-
10 latching with latches placed at least five feet above the
11 ground or otherwise made inaccessible from the outside to
12 children up to eight years of age. Such enclosure shall be
13 constructed of such wooden stockade material and main-
14 tained so as not to permit any opening in said enclosure,
15 other than a gate, wider than three inches at any point along
16 the enclosure.

17 For the purpose of this section, "private outdoor swim-
18 ming pool" shall mean a swimming pool of greater than two
19 feet in depth on the premises of a privately owned single
20 family home or a rental home of not more than six family
21 occupancy.

22 The provisions of this section, insofar as it relates to the
23 height of fences enclosing a private outdoor swimming pool
24 shall not apply to any private outdoor swimming pool con-

25 structed prior to the effective date of this act; provided, that
26 said private outdoor swimming pool was constructed in con-
27 formity with the local building code and state sanitary code;
28 and provided further, that said fence completely enclosing
29 a private outdoor swimming pool shall not be less than five
30 feet in height and anchored into the ground or base.

31 Every fenced enclosure of a private outdoor swimming
32 pool shall be inspected at least biannually by the inspector of
33 buildings of each city and town in which said pool is located.

34 Any owner of such a private outdoor swimming pool who
35 fails to comply with the provisions of this section shall be
36 punished by a fine of not more than one thousand dollars.