

**SENATE . . . . . No. 1405**

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By Mr. Lewis, a petition (accompanied by bill, Senate, No. 1405) of Arthur Joseph Lewis, Jr., for legislation relative to the safety of private outdoor swimming pools. Public Safety.

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**The Commonwealth of Massachusetts**

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

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**AN ACT RELATIVE TO THE SAFETY OF PRIVATE OUTDOOR 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 1977,  
3 is hereby further amended by inserting after the second sec-  
4 tion the following section: —

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

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

20 The provisions of this section, insofar as it relates to the  
21 height of fences enclosing a private outdoor swimming pool  
22 shall not apply to any private outdoor swimming pool con-  
23 structed prior to the effective date of this act; provided, that  
24 said private outdoor swimming pool was constructed in con-

25 formity with the local building code and state sanitary code;  
26 and provided further, that said fence completely enclosing a  
27 private outdoor swimming pool shall not be less than five feet  
28 in height and anchored into the ground or base.

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

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