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IN THE YEAR ONE THOUSAND NINE HUNDRED SEVENTY-FOUR  
AN ORDINANCE REQUIRING THE LICENSING OF PUBLIC AND SEMI-PUBLIC  
SWIMMING POOLS

Be it ordained by the City Council of the City of Lynn  
and by the authority of the same as follows, to wit:-

SECTION 1. An Ordinance requiring the licensing of public and semi-public swimming pools in accordance with Article VI of the Sanitary Code of the Commonwealth of Massachusetts is hereby established and said ordinance shall provide as follows:

A. SWIMMING POOL means and includes every artificial pool of water having a depth of two (2) feet or more at any point and used for swimming or bathing, located indoors or outdoors, together with the bathhouses, equipment, and appurtenances used in connection with the pool. It does not include any residual pool as herein defined nor does it include

any pool used primarily for baptismal purposes or the healing arts.

B. PUBLIC POOL means every swimming or wading pool admission to which may be gained by the general public with or without the payment of a fee.

C. SEMI-PUBLIC POOL means a swimming or wading pool on the premises of, or used in connection with a hotel, motel, trailer court, apartment house, country club, youth club, school, camp, or similar establishment where the primary purpose of the establishment is not the operation of the swimming facilities, and where admission to the use of the pool is included in the fee or consideration paid or given for the primary use of the premises. Semi-public pool shall also mean a pool constructed and maintained by groups for the purposes of providing bathing facilities for members and guests only.

D. RESIDENTIAL POOL means a swimming or wading pool established or maintained by an individual for his own or family's use, or for the use of personal guests of his household.



# CITY OF LYNN

*In City Council April 23, 1974*

E. WADING POOL means a pool of water in a basin having a maximum depth of less than two (2) feet intended chiefly as a wading place for children. It does not include any residential pool as herein defined:

F. No person shall operate or maintain any public or semi-public swimming or wading pool without the written permission of the Health Department on a form prescribed therefor by the Commissioner of Public Health. ■

G. All permits shall expire December 31 following the date of issue, and may be revoked for cause at any time by the Health Department. A fee of Five (\$5.00) Dollars shall be charged for all such permits.

SECTION 2. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION 3. This ordinance shall take effect upon its adoption and approval, after advertising as adopted.



# CITY OF LYNN

*In City Council July 8, 1975*

AN ORDINANCE REQUIRING SWIMMING POOLS TO BE ENCLOSED

Be it Ordained by the City Council of the City of Lynn and by the authority of the same, as follows, to wit:

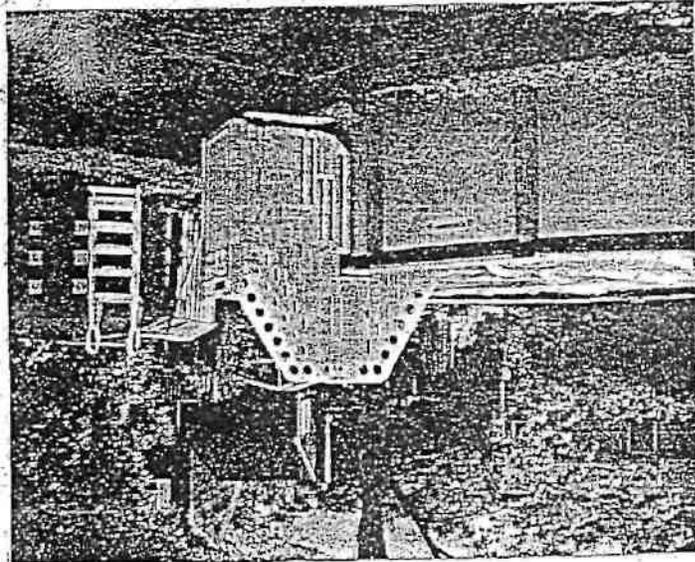
SECTION 1. An ordinance requiring swimming pools to be enclosed is hereby established and said ordinance shall provide as follows:

In accordance with Section 422.8 of the State Building Code, all private swimming pools of all types, as so classified in Section 422.32 of The State Building Code, shall be completely inaccessible to small children. Such enclosures shall be not less than Four (4) Feet in height with a self-latching gate or an equivalent enclosure or means of protection from access to the pool.

SECTION 2. Any person who violates this ordinance shall be punishable by a fine of not less than Ten Dollars (\$10.-00) nor more than One Hundred Dollars (\$100.00). Each day such violation shall be permitted to exist shall constitute a separate offense.

SECTION 3. All ordinances or parts of ordinances inconsistent herewith, are hereby repealed.

SECTION 4. This ordinance shall take effect upon its adoption and approval, after advertising as adopted.



421.1 General: Swimming and bathing pools shall conform to the requirements of 780 CMR 421.0 provided that 780 CMR 421.0 shall not be applicable to any such pool less than 24 inches (610 mm) deep or having a surface area less than 250 square feet (23.25 m<sup>2</sup>), except where such pools are permanently equipped with a water-recirculating system or involve structural materials. For the purposes of 780 CMR, pools are classified as private swimming pools, public swimming pools *or semi-public swimming pools*, as defined in 780 CMR 421.2. Materials and constructions used in swimming pools shall comply with the applicable requirements of 780 CMR.

421.2 Definitions: The following words and terms shall, for the purposes of 780 CMR 421.0 and as used elsewhere in 780 CMR, have the meanings shown herein.

Fools, swimming, hot tubs and spas

Above-ground/on-ground pool: See definition of private swimming pool.

Barrier: A fence, a wall, a building wall or a combination thereof which completely surrounds the swimming pool and obstructs access to the **swimming pool**. (Refer to M.G.L. c 140, § 206 for required enclosure of public or semi-public, outdoor, inground swimming pools.) Hot tub (special purpose pool): A unit designed for recreational and therapeutic use which is shallow in depth and not meant for swimming or diving. These pools are not drained, cleaned or refilled for each user. It may include, but not be limited to hydrojet circulation, hot water, cold water mineral baths, air induction bubbles, or any combination thereof. Industry terminology for such a pool includes but is not limited to, therapeutic pool, hydrotherapy pool, whirlpool, hot spa, hot tubs\* float tanks, etc. This standard excludes residential units and facilities used or under the direct supervision and control of licensed medical personnel. In-ground pool: See definition of private swimming pool.

Private swimming pool: Any structure that contains water over 24 inches (610 mm) in depth and which is used, or intended to be used, for swimming or recreational bathing in connection with an occupancy in Use Group R-3 *or R-4* and which is available only to the family and guests of the householder. This includes in-ground, above-ground and on-ground swimming pools, hot tubs and spas.

Private swimming pool, indoor: Any private swimming pool that is totally contained within a private structure and surrounded on all four sides by walls of said structure. Private swimming pool, outdoor: Any private swimming pool that is not an indoor pool.

Public *outdoor, inground* swimming pool: Any **swimming pool which is used, or intended to be used, for swimming or recreational bathing by the general public**. Refer to M. G.L. c 140, § 206 for requirements pertaining to public or semi-public, outdoor, inground swimming pool enclosures, safety equipment, inspection, and penalties for violations.

**Public swimming pool, outdoor: Any public swimming pool that is not defined as an outdoor, inground swimming pool** **Semi-public outdoor, inground swimming pool: (as defined by M.G.L. c 140, § 206) any swimming or wading pool on the premises of or used in connection with, a hotel, motel, trailer court, apartment house, country club, youth club, school, camp, or similar establishment where the primary purpose of the establishment is not the operation of the swimming facilities.** **Semi-public outdoor, inground swimming pool shall also mean a pool constructed and maintained by groups for the purposes of providing bathing facilities for members and quests only.** Refer to M.G.L. c 140, § 206 for requirements pertaining to public or semi-public, outdoor, inground swimming pool enclosures, safety equipment, inspection, and penalties for violations.

**Semi-public swimming pool, outdoor: Any semi-public swimming pool that is not defined as a semi-public outdoor, inground swimming pool** **Spa: See definition of private swimming pool.** **Wading Pool: A pool of water in a basin having a maximum depth of less than two feet intended chiefly as a wading place for children. It does not include any residential pool as herein defined.** ■

4213 Permits and construction documents: A swimming pool or appurtenances thereto shall not be constructed, installed, enlarged or *altered* until . *construction documents* have been submitted and a permit has been obtained from the code official. The approval of all city, county and state authorities having jurisdiction over swimming pools shall be obtained before applying to the code official for a permit. Certified copies of these approvals shall be filed as part of the supporting data for the permit application.

4213.1 Construction documents: *Construction documents* shall accurately show dimensions and construction of the pool and appurtenances and properly established distances to *lot lines*, buildings, walks and fences, as well as details of the water supply system, drainage and water disposal systems, and all appurtenances pertaining to the swimming pool. Detailed *construction documents* of structures, vertical elevations and sections through the pool showing depth shall be included.

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 m<sup>2</sup>) 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 1/4 inches (44 mm) in width. Decorative cutouts shall not exceed 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 1/4 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 1/4-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 1/4 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

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