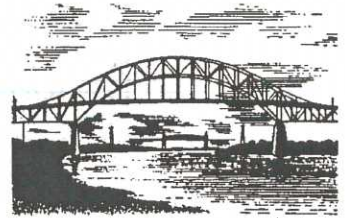




TOWN OF BOURNE BOARD OF HEALTH

**24 Perry Avenue
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Health Agent

Studies have shown that many children who drown each year in backyard pools could be saved if homeowner's completely fenced in pools and installed self-closing and self-latching devices on gates. The U.S. Consumer Product Safety Commission has listed child drowning as one of the leading causes of accidental death for children under 5 years of age. In order to strengthen our existing Swimming Pool fencing regulation and clarify some major points, at its regular Board of Health meeting held on May 14, 2014 the Bourne Board of Health, pursuant to Chapter 111, Section 31, voted to amend its Residential Swimming Pool regulation, last amended on October 27, 2004, as follows:

All newly constructed swimming pools, or existing pools, which are renovated or altered, shall be provided with a barrier which shall comply with the following:

1. The top of the barrier or fencing shall be at least 48 inches above finished ground level measured on the side of the barrier which faces away from the swimming pool. The maximum vertical separation between the finished ground level and the bottom of the barrier shall be 2 inches measured on the side of the barrier which faces away from the swimming pool.
2. Where the top of the pool structure is above finished ground level, such as an above-ground swimming pool, the barrier shall be at finished ground level or shall be mounted on top of the pool structure in order to obtain the minimum 48 inch barrier. 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 4 inches.
3. Solid barriers shall not contain indentations or protrusions except for normal construction tolerances and tooled masonry joints, so as not to create a climbable surface.
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, the horizontal members shall be located on the swimming pool side of the barrier (fence). Spacing between vertical members shall not exceed 1 $\frac{3}{4}$ inches in width. Decorative cutouts shall not exceed 1 $\frac{3}{4}$ inches 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 or more, spacing between the vertical members shall not exceed 4 inches. Decorative cutouts shall not exceed $1\frac{3}{4}$ inches in width.
6. Maximum mesh size for chain link fences shall be a $2\frac{1}{4}$ inch square unless the fence is provided with slats fastened at the top or the bottom which reduce the openings to not more than $1\frac{3}{4}$ inches.
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 $1\frac{3}{4}$ inches.
8. Access gates shall comply with the requirements of the State Building Code, 780 CMR 421.10.1 items 1-7, 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. Where the release mechanism of the self latching device is located less than 54 inches from the bottom of the gate:
 - (a) the release mechanism shall be located on the pool side of the gate at least 3 inches below the top of the gate; and
 - (b) the gate and barrier shall not have an opening greater than $\frac{1}{2}$ inch within 18 inches of the release mechanism.
9. Where a wall of a dwelling serves as part of the barrier (fencing), one of the following shall apply:
 - (a) All doors with direct access to the pool through said wall shall be equipped with an alarm which produces an audible warning when the door and/or its screen are opened. Said alarm shall sound continuously for a minimum of 30 seconds. The alarm shall have a minimum sound pressure rating of 85 dBA at 10 feet and the sound of the alarm should 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 touches or switches, to temporarily deactivate the alarm for a single opening from either direction. Such deactivation shall last for not more than 15 seconds. The deactivation touch pads or switches shall be located at least 54 inches above the threshold of the door.

or,

 - (b) The pool shall be equipped with an approved power safety cover.
10. Where an above ground pool structure is used as a barrier, such as in the case of a pool over 48 inches in height, or where a barrier is mounted on top of the pool structure, and the means of access a ladder or steps:

- (a) The ladder or steps shall be capable of being secured, locked or removed to prevent access. If the ladder or steps are removed, the opening shall be secured with some type of fence or gate so that there is no interruption in the barrier, following the requirements of sections 1-8 above.
- (b) The ladder or steps themselves shall be surrounded by a barrier which meets the requirements of sections 1-8 above.

11. No pool is to be filled until the fencing has been installed and inspected by the Building Inspector.

12. Temporary wading pools which are less than 2 feet in height or which have less than 250 square feet of surface area will be considered exempt from this regulation as long as they are not equipped with a water-recirculating system or involve structural materials.

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