

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 1¾ inches (44 mm) in width. Decorative cutouts shall not exceed 1¾ 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 1¾ inches (44 mm) in width.*

6. *Maximum mesh size for chain link fences shall be a 1¼-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 1¾-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 1¾ 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*