

19.08 SWIMMING POOL, SPA AND HOT TUB REQUIREMENTS

A. **Definitions:** The following definitions shall be applicable to this Section 19.08:

ASTM ES 13-89: Emergency standard performance specifications for safety covers and labeling requirements for all covers for swimming pools, spas and hot tubs.

Barrier: A fence, wall, building wall or combination thereof which completely surrounds the swimming pool and obstructs access to the swimming pool.

Fence: A structure, including gates, constructed of wood, metal or masonry, that is used as a boundary, or means of protection, confinement or privacy.

Hot tub: See definition for spa.

In-ground pool: See definition for swimming pool.

Neighboring residence: A one- or two-family dwelling, or a single family townhouse not more than three stories in height, situated on improved property within 500 feet of a residential swimming pool.

Residential: That which is situated on the premises of a detached single or two-family dwelling or a one-family townhouse, not more than three stories in height.

Spa - portable, nonportable, hot tub: A non-permanent structure intended for recreational bathing, in which all controls, water heating and water circulating equipment are an integral part of the product.

Swimming pool: Any manmade structure intended for swimming or recreational bathing that contains water over 24 inches deep. This includes in-ground, aboveground and on-ground swimming pools, hot tubs and spas.

Swimming pool - indoor: A swimming pool which is totally contained within a structure and surrounded on all four sides by walls of said structure.

Swimming pool - outdoor: Any swimming pool which is not an indoor pool.

B. **Outdoor Swimming Pool Requirements:** An outdoor swimming pool, including an in-ground, aboveground or on-ground pool, hot tub or spa shall be provided with a barrier which shall comply with the following:

1. **Barrier:** The top of the barrier shall be at least 60 inches above grade measured on the side of the barrier which faces away from the swimming pool. The maximum vertical clearance between grade and the bottom of the barrier shall be four inches measured on the side of the barrier which faces away from the swimming pool. Where the top of the pool structure is above grade, such as an aboveground pool, the barrier may be at ground level, such as the pool structure, or 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.
2. **Barrier Openings:** Openings in the barrier shall not allow passage of a 4- inch diameter sphere.
3. **Solid Barriers:** Solid barriers which do not have openings, such as a masonry or stone wall, 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 of 45 inches or more, spacing between vertical members shall not exceed four inches. Where there are decorative cutouts within vertical members, spacing within the cutouts shall not exceed 1¾ inches in width.
5. Maximum mesh size for chain link fences shall be a 1¼ inch square unless the fence is provided with slats fastened at the top or the bottom which reduce the openings to no more than 1¾ inches.
6. Where the barrier is composed of diagonal members, such as a lattice fence, the maximum opening formed by the diagonal members shall be no more than 1¾ inches.
7. Access gates shall comply with the requirements of this Section 19.08-B 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 54 inches from the bottom of the gate:
 - a. The release mechanism shall be located on the pool side of the gate at least three inches below the top of the gate; and
 - b. The gate and barrier shall have no opening greater than one-half inch within 18 inches of the release mechanism.
8. Aboveground Pool Structure Used as Barrier: Where an aboveground pool structure is used as a barrier or where the barrier is mounted on top of the pool structure, and the means of access is a ladder or steps, then:
 - a. The ladder or steps shall be capable of being secured, locked or removed to prevent access, or
 - b. The ladder or steps shall be surrounded by a barrier which meets the requirements of Sections 19.08-B-1 through 9. When the ladder or steps are secured, locked or removed, any opening created shall not allow the passage of a 4-inch diameter sphere.
 - c. Where a barrier is located on the upper rim of a pool, the height of the barrier shall be measured 48 inches from the outside perimeter of the pool.
- C. **Barrier Locations:** Where a barrier is located on the upper rim of the pool, the height of the barrier shall be measured 48 inches from the outside perimeter of the pool.
- D. **Exemptions:** A spa with a solid lockable safety cover which complies with ASTM ES 13-89 shall be exempt from the provisions of this Section 19.08. Swimming pools with safety covers shall not be exempt.
- E. **Building Permit:** A building permit shall be required for swimming pools as defined in Section 19.08-A. Accompanying the building permit application shall be a plot plan showing the location of any structures and proposed location of the pool on the lot. (Ord. 2006-132, §1)
- F. **Location:** Swimming pools shall only be allowed in the rear yard and all setback requirements of the Harvard Zoning Ordinance must be met. (Ord. 2006-132, §1)
- G. **Septic Field:** In-ground pools shall not be permitted on property that is serviced by a septic field. (Ord. 2006-132, §1)