

**§ 4-115. Swimming Pools.**

It is the purpose of these provisions to recognize an outdoor swimming pool as a potential attractive nuisance and to promote the public safety and enjoyment of property rights by establishing rules and regulations governing the location and improvement of swimming pools whether privately, publicly or commercially owned or operated.

(A) Permits and Approvals: No swimming pool shall be constructed or used until a Swimming Pool Building Permit and a Certificate of Occupancy have been issued therefor. No Building Permit and no final Certificate of Occupancy shall be issued unless the proposed sanitary facilities and water supply comply with applicable local and State Health Department regulations.

(B) Requirements: A swimming pool may be constructed and operated when

- (1) The pool is not located in any required front or side yard abutting a street,
- (2) All lighting of the pool is shielded or directed to face away from adjoining residence. If lights are not individually shielded they shall be so placed, that direct rays from the lights shall not be visible from adjacent properties; and
- (3) No broadcasting system is used for the purpose of advertising the operation of the pool or for the attraction of persons to the premises. This shall not prevent a public address system necessary or useful to the supervision of the pool and the safety of swimmers.
- (4) During the construction phase, a permanent or temporary barrier meeting the requirements of (5) below is required.
- (5) In conjunction with construction, or after completion of construction, of any outdoor swimming pool, and after inspection and approval by the Town prior to plastering or filling with water, there shall be installed a barrier that shall comply with the following:
  - A. The top of the barrier shall be at least forty-eight inches (48") 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 two inches (2") measured on the side of the barrier, which faces away from the swimming pool. The maximum vertical clearance at the bottom of the barrier may be increased to four inches (4") when grade is a solid surface such as a concrete deck, or when the barrier is mounted on the top of the above-ground pool structure. When barriers have horizontal members spaced less than forty-five inches (45") apart, the horizontal members shall be placed on the pool side of the barrier. Any decorative design work on the side away from the swimming pool, such as protrusions, indentations or cutouts, which render the barrier easily climbable, is prohibited.
  - B. Openings in the barrier shall not allow passage of a 1-3/4-inch-diameter sphere.

EXCEPTIONS: (1) When vertical spacing between such openings is forty-five inches (45") or more, the opening size may be increased such that the passage of a four-inch-diameter sphere is not allowed; (2) For fencing composed of vertical and horizontal members, the spacing between vertical members may be increased up to four inches (4") when the distance between the tops of horizontal members is forty-five inches (45") or more.

- C. Chainlink fences used as the barrier shall not be less than 11 gauge.
- D. Access gates shall comply with the requirements of subsections A through C of this subsection. Pedestrian access gates shall be self-closing and have a self-latching device. Where the release mechanism of the self-latching device is located less than fifty-four inches (54") from the bottom of the gate, (1) the release mechanism shall be located on the pool side of the barrier at least three inches (3") below the top of the gate, and (2) the gate and barrier shall have no opening greater than 1/2 inch within eighteen inches (18") of the release mechanism. Pedestrian gates shall swing away from the pool. Any gates other than pedestrian access gates shall be equipped with lockable hardware or padlocks and shall remain locked at all times when not in use.
- E. 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 (1) the ladder or steps shall be capable of being secured, locked or removed to prevent access, or (2) the ladder or steps shall be surrounded by a barrier which meets the requirements of subsections A through E of this subsection. When the ladder or steps are secured, locked or removed, any opening created shall be protected by a barrier complying with subsections A through E of this subsection.
- F. All doors with direct access to the swimming pool shall be equipped with an alarm that sounds continuously for at least thirty (30) seconds, after the door and its screen, if present, are opened. It must be capable of providing an audible warning level capable of being heard throughout the house during normal household activities. The alarm shall automatically reset under all conditions and be equipped with a manual means, such as a touch pad or switch, to temporarily deactivate the alarm for a single opening. Such deactivation shall last no longer than fifteen (15) seconds. The deactivation device shall be located at least fifty-four inches (54") above the threshold of the door. Further, all doors leading into the pool area shall be equipped with self-closing and self-latching devices installed with a release mechanism located a minimum of fifty-four inches (54") above the floor. These devices shall be subject to approval by the Town.
- G. For purposes of this Section, "swimming pool" means a permanent swimming pool, over eighteen inches (18") deep, located at ground level, above ground or below ground.
- H. For any swimming pool constructed in the Town, a homeowner shall certify

in writing, on a form approved by the Town, that the foregoing barrier and pool protection devices have been installed.  
( Ordinance 15-014 adopted 9/28/15 )