

## e-MEMORANDUM

**TO:** All Municipal Building Departments; all State Building Inspectors;  
The Board of Building Regulations and Standards

**FROM:** Tom Riley, DPS/BBRS

**DATE:** 7-12-06

**SUBJECT:** *Swimming Pools Subject to State Building Code Requirements of 780 CMR, 6<sup>th</sup> Edition, Chapter 4, Section 421—A BBRS Staff View*

The information presented below has just been placed on the BBRS Web Page.

It is vitally important that Building Officials recognize that when *private swimming pools* (see definition of a *private swimming pool* in Section 421.2 of the Building Code) have a design water depth of greater than 24 inches, such *private swimming pools* are subject to **all** applicable requirements of Chapter 4, Section 421, including, but not limited to enclosure requirements, doors w/direct pool access alarming, etc.

**This is true even for “on-ground” inflatable pools if they are *private swimming pools* with a design water depth greater than 24 inches.**

There is some confusion as to whether or not such pools must also have circulating water systems or must be a minimum of 250 sq. ft. in area // note that such water circulation requirements and/or square footage numbers are **not applicable for *private swimming pools*** as the definition for such *private swimming pools* hinges solely on the design water depth being greater than 24 inches.

### BBRS WEB PAGE ARTICLE OF 7-12-06

#### SWIMMING POOLS and the STATE BUILDING CODE (A BBRS Staff View, 7-11-06)

The arrival of hot summer days results in many seeking refreshing relief from the heat in swimming pools.

Although the use of swimming pools is a wonderful way to enjoy the summer season, caution needs to be exercised to prevent particularly small children from a disastrous encounter with a swimming pool.

The Consumer Product Safety Commission (CPSC) reports that approximately 350 children under 5 years of age drown each year in residential swimming pools, hot tubs and spas; the International Code Council, notes in its Commentary to the International Residential Code that drowning is the second leading cause of accidental death in the home for children under 5 years of age.

In light of the season and the need for caution, the following information is presented to give the reader an overview of Building Code requirements relative to swimming pools but should not be utilized as a substitute for all detailed Building Code requirements.

Swimming pools come in basically three (3) styles: in-ground, above-ground and on-ground types (hot tubs and spas are likewise treated as special purpose pools).

From an “ownership” standpoint, there are, likewise, three (3) forms of swimming pools: public; semi-public; and private swimming pools.

Definitions of the various pool types are presented in the current 6<sup>th</sup> Edition, Massachusetts State Building Code (780 CMR), Chapter 4, Section 421.

Pool enclosures (typically, but not exclusively, some form of fencing) assist in reducing the possibility that young children can gain unsupervised access to swimming pools.

Required enclosure requirements for public and semi-public outdoor, in-ground swimming pools are set forth in MGL c.140, § 206.

Barrier/fencing requirements, latching and alarm requirements and numerous other requirements for private swimming pools are set forth in the current 6<sup>th</sup> Edition Massachusetts State Building Code, 780 CMR, Chapter 4, Section 421, inclusive.

For private swimming pools, once the design water depth of the pool exceeds 24 inches then for such pools, certain barrier/fencing requirements, latching and alarm requirements and numerous other requirements are imposed by the State Building Code.

**Note that if the privately-owned pool has a water design depth greater than 24 inches (regardless of the pool's surface area and regardless of whether the pool has a water circulation system), then the pool is classified as a *private pool* for Building Code purposes and barrier/fencing requirements, latching and alarm requirements and numerous other requirements of Section 421 are applicable even if the private swimming pool, is an on-ground swimming pool.**

This emphasis relative to “on-ground” pools is made to remind the reader that even if the pool is just a large inflatable “on-ground” pool, for Building Code purposes, once the pool design depth exceeds 24 inches, 780 CMR, Chapter 4, Section 421 is applicable.

Although not a substitute for the various detailed requirements imposed by the Building Code, the following information is provided to give the reader a sense of the breadth of Building Code requirements for private swimming pools:

Enclosure requirements for private swimming pools are found in 780 CMR, Chapter 4, Section 421.10.

Depending on the style of pool, generally a 48 inch barrier is required.

All doors of the home, with direct access to the pool are required alarmed

The use of special pool safety covers is allowed.

Enjoy the summer but please refer to the 6<sup>th</sup> Edition Massachusetts State Building Code, Chapter 4, Section 421 for detailed Building Code swimming pool requirements and consult your local Building Department should you have any questions regarding swimming pools.