

## **ORDINANCE:**

### **SWIMMING POOLS:**

#### **SECTION I : PURPOSE:**

The purpose of this ordinance is to protect the public health, safety and welfare in swimming pools and on the premises, and to provide for administration, enforcement and penalties.

#### **SECTION II : SCOPE:**

The requirements of this ordinance shall be applicable to all existing swimming pools and all swimming pools hereafter constructed which have the capability of accommodating a depth of at least 18 inches of water; provided, however, that no existing or proposed above-ground swimming pool shall be governed by these provisions unless it shall in fact be filled to a depth of 18 inches or greater of water.

#### **SECTION III : REQUIREMENTS:**

Any pool in the Town of Windham used for swimming or bathing shall be in conformity with the following requirements:

- A) FENCING: Every outdoor swimming pool shall be completely surrounded by a fence or wall not less than four feet (4') in height, which shall be so constructed as not to have openings, holes, or gaps larger than four inches (4") in any dimension except for doors and gates; and if a picket fence is erected or maintained, the horizontal dimension shall not exceed four inches (4").

A building or structure may be used as part of such enclosure.

- B) GATES: All gate openings through such enclosures shall be securely closed at all times when not in actual use.
- C) WATER: Any pool which has the capability of accommodating a depth of at least 18 inches of water shall meet the requirements of Sections A and B before any water may be placed in the pool. The enforcing officer may allow temporary fencing and gates during construction of a permanent pool provided, however, that said temporary permit shall not be issued for more than thirty (30) days, at which time permanent fencing and gates shall be installed.
- D) STATE REQUIREMENTS: Swimming pools shall conform to all requirements of the New Hampshire Department of Health and Welfare.

#### **SECTION IV : EXCEPTIONS:**

Above-ground pools with walls in excess of 36 inches in height shall, for the provisions of this ordinance, be considered as fenced, so long as any means of access, i.e. ladders, stairways, etc. are removed when said pool is not in actual use.

**SECTION V : GENERAL:**

No person in possession of land within the Town of Windham, either as owner, purchaser, lessee, tenant or licensee, upon which land is situated a swimming pool which is regulated by this ordinance shall fail to comply with the provisions of said officer.

The enforcing officer may permit other substitute devices, structures, or terrain, so long as the degree of protection afforded by the substitute devices, structure, or terrain is not less than the protection afforded by the wall, fence, gate and latch described herein.

The decision of the enforcing officer may be appealed to the Board of Selectmen who may rescind, amend or modify the decision of the enforcing official.

**SECTION VI : ENFORCEMENT:**

This ordinance shall be enforced by the Building Inspector, or his designate, of the Town of Windham.

**SECTION VII : PENALTIES:**

Violation of this ordinance shall be punishable by a fine not to exceed \$50.00 for each violation and any question of separate or continuing violations shall be left to the discretion of the courts. Provided, however, that the Town in enacting this ordinance and prescribing penalties shall not be deemed to have forfeited any other rights or remedies to abate nuisances.

**SECTION VIII : EFFECTIVE DATE:**

This ordinance shall become effective on May 27, 1977.

**Adopted at Town Meeting - March 10, 1977**

**Re-codified and affirmed by the Board of Selectmen - May 11, 1998**

**Charles E. McMahon**  
**Douglass L. Barker**  
**Carolyn B. Webber**  
**Margaret M. Crisler**  
**Galen A. Stearns**  
Board of Selectmen