

## Chapter 224

### SWIMMING POOLS

§ 224-1.	Statutory authority.	§ 224-7.	Back flow prevention required.
§ 224-2.	Permit required.	§ 224-8.	Maintenance of sanitary conditions.
§ 224-3.	Application for permit.	§ 224-9.	Agent of the Board of Health.
§ 224-4.	Construction standards.	§ 224-10.	Severability.
§ 224-5.	Pool considered to be a structure.	§ 224-11.	Application fees; inspections.
§ 224-6.	Fencing requirements.	§ 224-12.	Violations and penalties.

**[HISTORY: Adopted by the Board of Health of the Town of Dover 3-27-1985. Amendments noted where applicable.]**

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#### **§ 224-1. Statutory authority.**

By the virtue of authority vested in it by MGL c. 111, § 31, and every other power it thereto in any way enables, the Board of Health of the Town of Dover, Massachusetts hereby makes and promulgates the following regulations required for the public health relative to swimming pools in the Town of Dover. All other existing swimming pool regulations are hereby rescinded.

#### **§ 224-2. Permit required.**

No public, semipublic or residential swimming pool/hot tub or spa shall be constructed, installed or remodeled until a permit has first been obtained from the Board of Health. All public or semipublic swimming pools shall be constructed, installed, remodeled and operated in compliance with 310 CMR 16.00, Minimum standards for swimming pools. The State Building Code Section 428 shall apply.

#### **§ 224-3. Application for permit.**

The application for a permit for a swimming pool installation shall be filed in duplicate and shall be on such form and in such detail as the Board of Health shall prescribe. The applicant must submit, before a permit is issued, a plan in duplicate, drawn to a scale of 1 inch to 20 feet by a registered engineer, of the lot, showing the layout of the installation in detail, indicating elevations, grades, materials used, construction details, location of the pool in relation to the house, other buildings and lot lines and the type of capacity of the filter. Ten-foot deep test holes and percolation tests may be required. In addition, the location and type of any easements for water, sewer, electric, gas or telephone lines, as well as any legally granted rights-of-ways, shall be indicated. When a permit is issued, 1 copy of the application and permit will be returned to the applicant and 1 copy will be retained at the office of the Board of Health.

#### **§ 224-4. Construction standards.**

All swimming pools (or outside in-ground hot tub/spa) hereinafter constructed shall not be less than 20 feet from any foundation and from the closest proximity of any part of any sewage system. A sump-seepage pit of a minimum size of 4 feet inside diameter and 4 feet below inlet pipe, made of blocks or precast concrete, backfilled with one-and-one-half-inch stone around the outside shall be constructed to collect

the filter backwash effluent/gray water. The pit shall have an eighteen-inch diameter metal cover and rim set in concrete easily accessible at finish grade. The type of construction of the sump/seepage pit shall be indicated. All distances and criteria for the sump/seepage pit shall comply with Title 5 State Sanitary Code. No sanitary sewage effluents, industrial wastes or wastewater from any source is allowed into any filter sump or hot tub/spa seepage pit.

**§ 224-5. Pool considered to be a structure.**

A swimming pool shall also be considered a structure with regards to setback requirements of Chapter 185, Zoning.

**§ 224-6. Fencing requirements. [Added 7-13-1995]**

A substantial fence or barrier of a minimum height of 4 feet, capable of preventing entry by small children or animals, shall completely surround the pool (outdoor hot tub/spa). The fence must be provided with a self-closing, self-latching gate with padlock. The location and type of fence or barrier must be approved before installation. During construction a temporary fence must surround the pool area.

**§ 224-7. Back flow prevention required.**

- A. All water systems shall be protected from contamination by backflow from a pool (outside hot tub/spa). This protection can be provided by installing a permanent filling pipe discharging at least 6 inches above the pool water surface, or by the installation of an approved backflow preventer on the water supply used for filling the pool.
- B. Upon completion of this installation, the owner shall submit a statement in writing, to the Board of Health to the effect that this installation has been made in compliance with the terms of the permit and of this chapter.

**§ 224-8. Maintenance of sanitary conditions.**

It is the responsibility of every owner, occupant or agent of the premises where any swimming pool of any size exists, to keep the same in a sanitary condition through filtration or chlorination, or both. In any event, however, where health or sanitation is jeopardized, the Board of Health may order the pool to be emptied and sanitized. If the owner or occupant fails to comply with such order, the Board may cause this nuisance to be removed, and all expenses incurred thereby shall be paid by the person who caused or permitted the same, if he has actual notice from the Board of Health of the existence thereof.

**§ 224-9. Agent of the Board of Health.**

The agent of the Board of Health means the person authorized by that Board to act under this chapter. No action required by this chapter to be taken by the Board, as distinguished from the agent, shall be taken by the agent without the specific approval of the Board, and the agent may not vary this chapter without such approval.

**§ 224-10. Severability.**

Each section of this chapter shall be construed as separate to the end, that is any section, sentence, clause or phrase shall be held invalid for any reasons, the remainder of this chapter shall continue in full force.

**§ 224-11. Application fees; inspections.**

- A. Application fees shall be set from time to time by the Board of Health. The fee will include a minimum of 4 inspections.
- B. Additional inspections will be assessed at the prevailing rate.
- C. Final inspection shall be with a pool company representative and Board of Health agent on site with the filter system in operation.

**§ 224-12. Violations and penalties.**

Violators of this chapter are subject to a fine of not more than \$20, except when otherwise provided by law.