

**CHAPTER 266**  
**SWIMMING POOLS**

**§1631. Definitions**

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. [PL 1983, c. 436 (NEW).]

**1. Fence.** "Fence" means a good quality fence or wall not less than 4 feet in height above ground surface and of a character to exclude children. The fence shall be so constructed as not to have openings, holes or gaps larger than 4 square inches, except for fences constructed of vertical posts or louvers, in which case, the openings shall not be greater than 4 inches in width with no horizontal members between the top and bottom plates. Doors and gates are excluded from the minimum dimension requirements.

[PL 1983, c. 436 (NEW).]

**2. Swimming pool.** "Swimming pool" means an outdoor artificial receptacle or other container, whether in or above the ground, used or intended to be used to contain water for swimming or bathing and designed for a water depth of 24 inches or more.

[PL 1987, c. 22 (AMD).]

**SECTION HISTORY**

PL 1983, c. 436 (NEW). PL 1987, c. 22 (AMD).

**§1632. Enclosure of swimming pool required**

A fence shall be erected and maintained around every swimming pool, except that portable above-ground swimming pools with sidewalls of at least 24 inches in height are exempted. A dwelling house or accessory building may be used as part of this enclosure. All gates or doors opening through this enclosure shall be capable of being securely fastened at all times when not in actual use. [PL 1983, c. 436 (NEW).]

**SECTION HISTORY**

PL 1983, c. 436 (NEW).

**§1633. Penalty**

Any person who does not comply with this chapter within 30 days, after receiving written notice that he is in violation of its provisions, commits a civil violation for which a forfeiture of not more than \$500 may be adjudged. Each day a violation continues shall be a separate violation. [PL 1983, c. 436 (NEW).]

**SECTION HISTORY**

PL 1983, c. 436 (NEW).

**§1634. Municipal ordinances**

Nothing in this chapter may be construed as a preemption by the State. Municipalities may adopt and enforce swimming pool enclosure ordinances, or enforce existing ordinances, that are either less restrictive or more restrictive than this chapter, or that concern matters not dealt with by this chapter.

[PL 1983, c. 436 (NEW).]

**SECTION HISTORY**

PL 1983, c. 436 (NEW).

**§1635. Use of safety equipment in public pools**

**1. Use of safety equipment by persons who suffer from physical disability or condition.** No person may prohibit the use of a life jacket or similar device in a public swimming pool by any person who suffers, as evidenced by a signed statement of a licensed physician, from any physical disability or condition which necessitates the use of a life jacket or similar device.

[PL 1987, c. 194 (NEW).]

**2. Public swimming pool defined.** For the purposes of this section, a public swimming pool is any swimming pool which caters to, offers its facilities or services to or solicits or accepts patronage from the general public.

[PL 1987, c. 194 (NEW).]

**SECTION HISTORY**

PL 1987, c. 194 (NEW).

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