

1 H.159

2 Introduced by Representatives Masland of Thetford and Briglin of Thetford

3 Referred to Committee on

4 Date:

5 Subject: Internal security and public safety; abandoned swimming pools

6 Statement of purpose of bill as introduced: This bill proposes to require that

7 all abandoned swimming pools be drained and completely enclosed by a

8 five-foot wall, fence, or barrier. A person who violates these requirements is

9 subject to a civil penalty of not more than \$100.00.

10 An act relating to abandoned swimming pools

11 It is hereby enacted by the General Assembly of the State of Vermont:

12 Sec. 1. 20 V.S.A. Part 11 is added to read:

13 PART 11. SWIMMING POOLS

14 CHAPTER 205. ABANDONED SWIMMING POOLS

15 § 4701. ABANDONED SWIMMING POOLS; ENCLOSURES; DRAINING

16 (a) As used in this chapter:

17 (1) "Swimming pool" means any inground outdoor structure that is

18 intended for swimming or recreational bathing and contains water over

19 24 inches deep, not including aboveground and on-ground swimming pools,

20 hot tubs, and nonportable spas.

1           (2) “Abandoned swimming pool” means a swimming pool that has been  
2           continuously unused for one year.

3           (b) An abandoned swimming pool shall be:

4           (1) drained of water and maintained without water for so long as the  
5           swimming pool is not in use; and

6           (2) protected by an enclosure surrounding the pool area as provided in  
7           subsection (c) of this section.

8           (c)(1) An abandoned swimming pool required to be enclosed as provided in  
9           subdivision (b)(1) of this section shall be entirely enclosed by at least a  
10           five-foot wall, fence, or other barrier as measured on the exterior side of the  
11           wall, fence, or barrier.

12           (2) The wall, fence, or barrier shall have no gaps, openings,  
13           indentations, protrusions, or structural components that could allow a young  
14           child to crawl under, squeeze through, or climb over the wall, fence, or barrier.

15           (3) The gates of the fence, wall, or barrier shall open outward from the  
16           pool and:

17           (A) be self-closing and self-latching with the latch located at least  
18           54 inches above the underlying ground or on the pool side of the gate with a  
19           release mechanism at least five inches below the top of the gate and no  
20           opening greater than one-half inch within 24 inches of the release  
21           mechanism; or

1           (B) be secured by a padlock or similar device which requires a key,  
2           electric opener, or integral combination, in which case the latch may be placed  
3           at any height.

4           (d) This section shall not apply to:

5           (1) a system of sumps, irrigation canals, irrigation, flood control, or  
6           drainage works constructed or operated for the purpose of storing, delivering,  
7           distributing, or conveying water;

8           (2) stock ponds, storage tanks, livestock operations, livestock watering  
9           troughs, or other structures used in normal agricultural practices; or

10           (3) small, temporary pools without motors, which are commonly  
11           referred to as “kiddie pools.”

12           (e) A municipality may adopt and enforce a swimming pool ordinance  
13           which is equal to or more stringent than the provisions of this chapter.

14           § 4702. PENALTIES

15           A person who violates any provision of this chapter shall be assessed a civil  
16           penalty of not more than \$100.00. Each day a violation continues may be  
17           construed as a separate violation.

18           Sec. 2. 4 V.S.A. § 1102 is amended to read:

19           § 1102. JUDICIAL BUREAU; JURISDICTION

20           (a) A Judicial Bureau is created within the Judicial Branch under the  
21           supervision of the Supreme Court.

1 (b) The Judicial Bureau shall have jurisdiction of the following matters:

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3 (26) Violations of 20 V.S.A. § 4701, relating to abandoned swimming  
4 pools.

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6 Sec. 3. EFFECTIVE DATE

7 This act shall take effect on July 1, 2015.