

1 H.416

2 Introduced by Representatives Masland of Thetford, Anthony of Barre City,
3 Beck of St. Johnsbury, Page of Newport City, and Yantachka of
4 Charlotte

5 Referred to Committee on

6 Date:

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

8 Statement of purpose of bill as introduced: This bill proposes to require that
9 all abandoned swimming pools be drained and completely enclosed by a
10 five-foot wall, fence, or barrier. A person who violates these requirements is
11 subject to a civil penalty of not more than \$100.00.

12 An act relating to abandoned swimming pools

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

14 Sec. 1. 20 V.S.A. chapter 209 is added to read:

15 CHAPTER 209. ABANDONED SWIMMING POOLS

16 § 4701. ABANDONED SWIMMING POOLS; ENCLOSURES; DRAINING

17 (a) As used in this chapter:

18 (1) "Abandoned swimming pool" means a swimming pool that has been
19 continuously unused for one year.

1 (2) “Swimming pool” means any inground outdoor structure that is
2 intended for swimming or recreational bathing and contains water over
3 24 inches deep, not including aboveground and on-ground swimming pools,
4 hot tubs, and nonportable spas.

5 (b) An abandoned swimming pool shall be:

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

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

10 (c)(1) An abandoned swimming pool required to be enclosed as provided in
11 subdivision (b)(2) of this section shall be entirely enclosed by at least a
12 five-foot wall, fence, or other barrier as measured on the exterior side of the
13 wall, fence, or barrier.

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

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

19 (A) be self-closing and self-latching with the latch located at least
20 54 inches above the underlying ground or on the pool side of the gate with a
21 release mechanism at least five inches below the top of the gate and no

1 opening greater than one-half inch within 24 inches of the release
2 mechanism; or

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

6 (d) This section shall not apply to:

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

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

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

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

16 § 4702. PENALTIES

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

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

21 § 1102. JUDICIAL BUREAU; JURISDICTION

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

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

4 * * *

5 (30) Violations of 20 V.S.A. § 4701, relating to abandoned swimming
6 pools.

7 * * *

8 Sec. 3. EFFECTIVE DATE

9 This act shall take effect on July 1, 2021.