

d.) Violations and penalties. Any person who shall place a temporary storage unit in violation of this section shall be subject to a fine of not more than \$300.00 for each offense. Each day that the violation continues shall constitute a separate offense.

4.5 SWIMMING POOLS

4.5.1 General.

Swimming pools shall be regulated by the following provisions:

4.5.2 Location.

The wall of a swimming pool shall not be located less than eight (8) feet to any dwelling or accessory structure, six (6) feet from any rear or side lot line, and ten (10) feet from the street line. A pool shall not encroach into any front or side yard of a parcel. In the case of corner lots, pools shall not be constructed within the front yards of the lot.

4.5.3 Safety Barrier.

All swimming pools to be constructed, in process of construction, or already constructed shall be enclosed by a safety barrier to prohibit, within reason, unrestrained intrusion, beneath, over, or through the safety barrier enclosure by persons or animals. The safety barrier shall be constructed in accordance with 780 CMR 120.m.105.

4.5.4 Lights.

Lights to illuminate any swimming pool shall be so arranged and shielded as to direct or reflect light away from adjoining premises and public streets.

4.5.5 Minimum Standards.

The minimum standards for swimming pools, as maintained by the Holyoke Board of Health in accordance with the Massachusetts Department of Public Health regulations and applicable General Laws, shall be in effect and full force for the construction and maintenance of a swimming pool.

4.6 FENCES

4.6.1 Corner Lot.

No fence shall be erected or maintained in the front yard of a corner lot in a manner which interferes with traffic visibility across the corner.

4.6.2 Height.

Fences in front yards shall not exceed four (4') feet in height. Fences in side yards shall not exceed six (6') feet in height. The height of fences in rear yards shall not exceed six (6') feet.

4.6.2.1 Special Permit to Exceed Fence Height. A Special Permit may be granted by the Planning Board to exceed the height of a fence in the following instances:

4.6.2.1.A Industrial Properties: In the case of industrial uses in IP, IG, and WM zones fencing height may be increased on all sides when found necessary to shield the use from neighboring properties as well as for security purposes to a maximum of eight (8') feet, with a Special Permit from the Planning Board.

4.6.2.1.B Commercial Properties: In the case of commercial uses, when the property abuts a residential use, or for the security of outdoor display and storage of products, fence height may be increased as follow:

- **Security of products outdoors:** Fence height may be increased to a maximum of eight (8') feet on all sides when found necessary for security purposes by Special Permit from the Planning Board..
- **Shielding of use from abutting residential use:** Fence height may be increased to a maximum of eight (8') feet for the side and rear yards only to shield that use from the neighboring residential uses with a Special Permit from the Planning Board.

4.6.2.1.C. Multi-family Residential/Institutional Properties: When the property abuts an unlike use, fence height may be increased on the side and rear yards when found necessary to shield that use from the neighboring uses by Special Permit from the Planning Board.. The height may be increased to a maximum of eight (8') feet, with a Special Permit from the Planning Board.

Special Permit Criteria

- Shall be found to be necessary where plant material is not adequate or possible
- Shall not be deleterious to neighboring property
- Shall be made of a material that is of durable construction
- Shall not have razor, barbed, or any other similar type of element on the fence.
- Shall not impair sight distance of vehicular traffic.

Dumpsters: Dumpster enclosures shall shield the dumpster from sight and shall be at least as tall as the dumpster.

4.6.3 Side.

Fences shall be placed with the most attractive side (e.g., in the case of a picket fence, the side without horizontal members) facing the street and neighboring properties.