



North Carolina Department of Environment and Natural Resources
Division of Environmental Health

Beverly Eaves Perdue
Governor

Terry L. Pierce
Director

Dee Freeman
Secretary

MEMORANDUM

DATE: August 6, 2010
TO: Public Swimming Pool Owners and Operators
FROM: Jim Hayes, Branch Head
Pools, Tattoos and State Institutions Branch
RE: Non-Compliant Public Swimming Pool Fences

The Environmental Health Services Section has recently received questions regarding the application of the pool fencing rule 15A NCAC 18A.2528 to older pools. All public swimming pools, including those built prior to May 1, 1993, are required to comply with the fence rule in 15A NCAC 18A .2528 FENCES. Existing public swimming pool operation permits will not be renewed unless the pool is in compliance with rule .2528, as well as all other applicable rules. Please check the fences at your pool to assure it complies with the current rule. Rule .2528 is attached. If the Health Department finds a violation of the rules at your pool which requires immediate action to protect public health, your permit could be subject to immediate suspension. If you have questions about the fence requirements, please contact your county health department or call me at (919) 715-0924.

15A NCAC 18A .2528 FENCES

(a) Public Swimming pools shall be completely enclosed by a fence, wall, building, or other enclosure, or any combination thereof, which encloses the swimming pool area such that all of the following conditions are met:

- (1) The top of the barrier shall be at least 48 inches above grade measured on the side of the barrier that faces away from the swimming pool. The maximum vertical clearance between grade and the bottom of the barrier shall be two inches measured on the side of the barrier that faces away from the swimming pool;
- (2) Openings in the barrier shall not allow passage of a four-inch-diameter sphere and shall provide no external handholds or footholds. Solid barriers that do not have openings shall not contain indentations or protrusions except for normal construction tolerances and tooled masonry joints;
- (3) Where the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members is 45 inches or more, spacing between the vertical members shall not exceed four inches. Where there are decorative cutouts within the vertical members, spacing within the cutouts shall not exceed 1.75 inches in width;
- (4) Where the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members is less than 45 inches, the horizontal members shall be located on the swimming pool side of the fence. Spacing between the vertical members shall not exceed 1.75 inches in width. Where there are decorative cutouts within the vertical members, spacing within the cutouts shall not exceed 1.75 inches in width;
- (5) Maximum mesh size for chain link fences shall be a 2.25 inch square unless the fence is provided with slats fastened at the top or the bottom that reduce the openings to no more than 1.75 inches;
- (6) Where the barrier is composed of diagonal members, the maximum opening formed by the diagonal members shall be no more than 1.75 inches;

- (7) Access gates shall comply with the dimensional requirements for fences and shall be equipped to accommodate a locking device. Effective April 1, 2011, pedestrian access gates shall open outward away from the pool and shall be self-closing and have a self-latching device except where a gate attendant and lifeguard are on duty. Gates other than pedestrian access gates shall have a self-latching device. Where the release mechanism of the self-latching device is located less than 54 inches from the bottom of the gate, the release mechanism shall require the use of a key, combination or card reader to open or shall be located on the pool side of the gate at least three inches below the top of the gate, and the gate and barrier shall have no openings greater than 0.5 inch within 18 inches of the release mechanism; and
 - (8) Ground level doors and windows opening from occupied buildings to inside the pool enclosure shall be self-closing or child protected by means of a barrier or audible alarm.
- (b) Public swimming pool fences constructed prior to May 1, 2010 may vary from the provisions of Paragraph (a) of this Rule as follows:
- (1) the maximum vertical clearance between grade and the bottom of the barrier may exceed two inches, but shall not exceed four inches;
 - (2) where the barrier is composed of vertical and horizontal members and the space between vertical members exceeds 1.75 inches, the distance between the tops of the bottom horizontal member and the next higher horizontal member may be less than 45 inches, but shall not be less than 30 inches;
 - (3) gates other than pedestrian access gates are not required to have self-latching devices if the gates are kept locked; and
 - (4) gates may swing towards a pool where natural topography, landscape position or emergency egress requirements prevent gates from swinging away from the pool.

*History Note: Authority G.S. 130A-282;
Eff. May 1, 1991;
Amended Eff. May 1, 2010; February 1, 2004; April 1, 1999; January 1, 1996; July 1, 1992.*

Note: For Clarification of Rule .2528

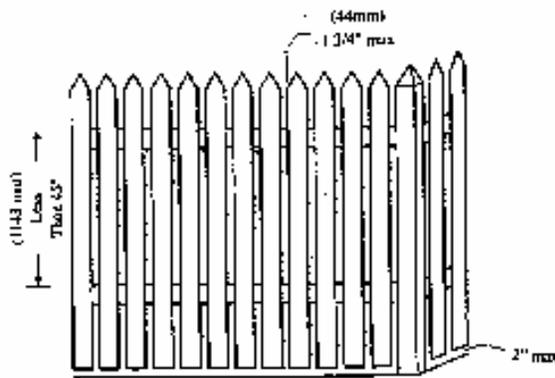


FIG. 1 IF HORIZONTAL MEMBERS ARE LESS THAN 45" APART, THE SPACE BETWEEN VERTICAL MEMBERS SHALL NOT BE MORE THAN 1-3/4"

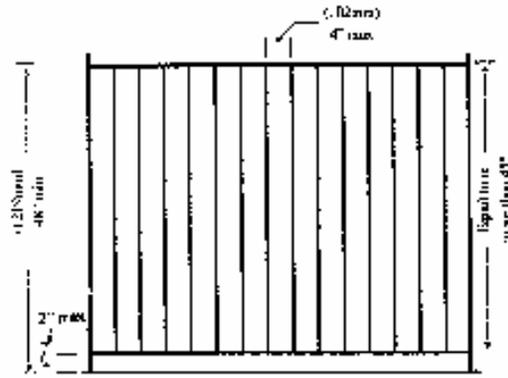


FIG. 2 IF HORIZONTAL MEMBERS ARE EQUAL TO OR MORE THAN 45" APART, THE SPACE BETWEEN VERTICAL MEMBERS SHALL NOT EXCEED 4"

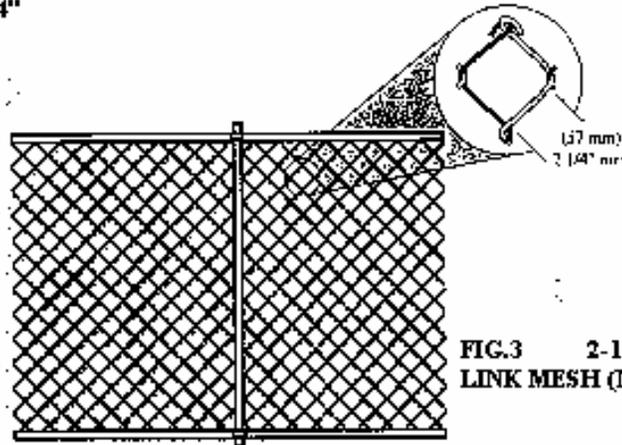


FIG. 3 2-1/4" CHAIN LINK MESH (NOMINAL)

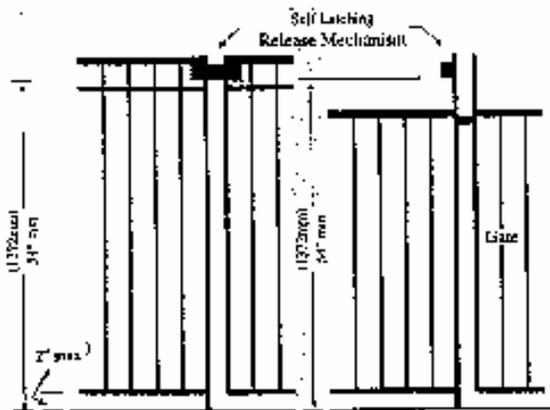


FIG. 4 LATCH RELEASE MECHANISM AT 54" OR HIGHER FROM BOTTOM OF GATE

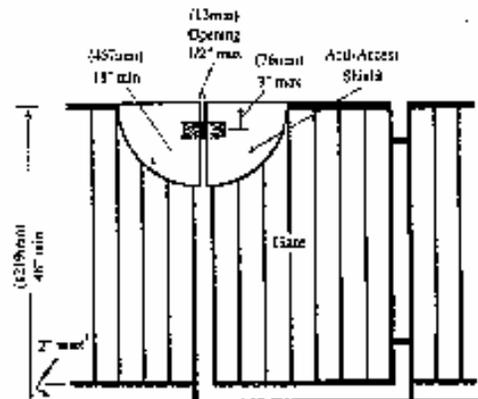


FIG. 5 LATCH RELEASE MECHANISM LESS THAN 54" FROM BOTTOM OF GATE