

**NEW HANOVER COUNTY  
BOARD OF HEALTH  
RULES GOVERNING  
THE FENCING  
AND  
OPERATION OF PRIVATE SWIMMING POOLS  
IN  
NEW HANOVER COUNTY  
NORTH CAROLINA  
EFFECTIVE  
Adopted October 1, 1989  
Amended October 4, 2000  
Amended March 7, 2018**



## *History*

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|-----------------|---|
| <b>10/01/89</b> | <b>Adopted</b>                            |
| <b>10/04/00</b> | <b>Amended to include "Operation"</b>     |
| <b>03/07/18</b> | <b>Amended; added clarifying language</b> |
| <b>03/01/19</b> |   |
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## **Section 8000 Purpose**

The Board of Health of New Hanover County, pursuant to North Carolina General Statutes G.S. 130A-39, which authorizes a local board of health to adopt rules necessary to protect and promote the public health, does hereby ordain that the "Rules Governing the Fencing of Private Swimming Pools in New Hanover County" is hereby amended to be captioned as "Rules Governing the Fencing and Operation of Private Swimming Pools in New Hanover County" as follows:

## **Section 8001 Definitions**

"Private Swimming Pool" is any swimming pool operated in conjunction with a single family residential unit, the use of which is limited to occupants of that residence and their guests. This definition shall include in-ground and above ground swimming pools, and wading pools that are capable of holding 24-inches of water and designed for mechanical filtration. Exemptions from these rules include water gardens, water fountains and spas with safety lids or covers.

## **Section 8002 Site Layout**

All outdoor private swimming pools shall be enclosed by fence or other permanent barrier which discourages climbing and is designed so as to minimize the possibility of unauthorized or unwary persons entering the pool area.

(a) All fences must be a minimum of 4 feet in height (from the outside approach).

(b) All fences must be constructed so as not to provide hand holds or foot holds for children to climb. Openings in between vertical slats and the bottom of the fence shall not exceed 4-inches to prevent children from squeezing through. Horizontal slats must be at least 30-inches apart to prevent children from using the fence as a ladder. If chain link fences are used, the mesh size shall not exceed 2¼- inches. The top railing of the fence shall be capable of supporting at least 150 lbs in order to prevent the possibility of the fence collapsing.

(c) ~~Larger~~ Above ground pools that have an exterior wall height of 4 feet do not need a fence, however, a 4 feet high enclosure with a self-closing / positive self-latching gate must be constructed around the ladder / egress area of the pool with the exception of quick disconnect or flip-up, lockable ladders.

(d) All gates and doors shall be equipped with self-closing and positive self-latching mechanisms, and all gates and doors shall be equipped with locking devices.

(e) The gate latches shall be located 54-inches above the horizontal bottom rail of the access gate or the gate latch may be installed on the pool side of the fence, 3-inches below the top of the gate. If the gate latch is installed on the pool side of the gate, an anti-access shield shall be installed to prevent children from reaching through the gate openings to open the gate latch. The anti-access shield shall cover at least 18-inches of area around the latch. There shall not be any openings greater than ½-inch within the anti-access shield. Solid fencing and gates are exempt from installation requirements of an anti-access shield.

(f) If the house is used as one side of the pool fence, all doors and windows from the home must remain secure to prevent children from entering the pool area. It is recommended that an alarm be installed on doors to signal when the door is opened unexpectedly, and that self-closing and self-latching mechanisms be installed.

(g) All private swimming pool enclosures shall be completely installed within thirty (30) days of pool completion. A completed pool is any pool capable of holding 24-inches of water.

**Section 8003 Operation, Maintenance and Utilization**

(a) Private swimming pools must be maintained in a clean and sanitary condition (suitable for swimming) so as not to create a nuisance or a hazard to others and to prevent a breeding site for unwanted pests such as mosquitos. If the pool cannot be maintained in this condition, then it shall be covered with a safety cover which will support the weight of an adult. Standing water on pool covers shall be kept drained.

(b) After appropriately equipping and securing a regulated swimming pool, it shall be the sole duty of the property owner to maintain and utilize the fencing, closure mechanisms and entrance barriers. It is recommended that all private swimming pools have a walk or deck area throughout the entire perimeter of the pool with a minimum width of three (3) feet of unobstructed clear distance.

**Section 8004 Non-conforming Private Swimming Pools**

Private swimming pools constructed prior to the effective date of this regulation must be brought into compliance at the earliest possible date, but in no case longer than one (1) year from the effective date.

**Section 8005 Right Of Entry**

Pursuant to authority granted by North Carolina General Statute 130A Section 17, the Department shall have the right to enter upon the premises of any property for the purpose of conducting an inspection and determining compliance with these Rules.

**Section 8006 Remedies**

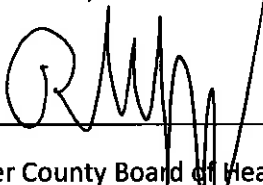
If a person violates any part of these Rules, then he/she shall be guilty of a misdemeanor and shall be subject to sanctions provided in Chapter 130A Section 25 of the North Carolina General Statutes.

**Section 8007 Severability**

If any provision of these Rules or the application thereof to any person or circumstance is declared invalid, then the remainder of these Rules or the application of such provision to other persons or circumstances shall not be thereby be affected.

**Section 8008 Effective Date**

Amended October 4, 2000 by the New Hanover County Board of Health, these Rules shall be effective on and after October 4, 2000. Amended March 7, 2018.

Signed  \_\_\_\_\_  
Chairman  
New Hanover County Board of Health

Signed  \_\_\_\_\_  
Director  
New Hanover County Department of Public Health