

FENCING AROUND RESIDENTIAL SWIMMING POOLS

1. Residential swimming pools shall be protected by a fence, wall, building, or other enclosure, or any combination thereof, which completely encloses the swimming pool area such that all of the following conditions are met:
 - (1) A 48 inch minimum height (from the outside approach) is provided entirely around the swimming pool;
 - (2) The horizontal space between vertical members of the enclosure shall not exceed two inches;
 - (3) The height of any opening under the bottom of the enclosure shall not exceed two inches;
 - (4) Openings under and through a fence or barrier with the gate(s) closed shall be sized so that a 2 inch diameter sphere cannot be passed through the opening.
 - (5) All gates and doors shall be equipped with self-closing and positive self-latching locks.
 - (6) Self-closing, self-latching gates shall not be required for service gates which are kept locked, except when being actively used, when at least one separate gate meeting all the locked requirements is in place.
2. The wall of an aboveground swimming pool shall be considered an effective barrier. Where the pool wall serves as a portion of the barrier, stairs allowing access to the pool shall be removed when bathers are not using the pool or in attendance unless a gate or gates meeting the requirements of Section (A)(1 through 6) are installed to limit access to the stairs.
3. All residential pool enclosures shall be completed at the time the pool is allowed to contain water.

COMPLIANCE AND REGULATIONS

1. Pools constructed after the effective date of this Ordinance shall comply fully with the Ordinance herein.
2. Those sections of this Ordinance which would require structural modifications of existing facilities, or of facilities under construction which hold a valid permit to construct, shall not apply provided such facilities do not create a public health hazard due to lack of such modification.
3. In the event that a public health hazard shall result from a failure to make structural repairs to an existing facility, or to a facility that is under construction, such modification may be required to the extent necessary to eliminate the hazard.
4. Swimming Pools that were fence prior to the adoption of this ordinance shall be exempted from the provisions of the ordinance, providing the fences are at least 40 inches high, the horizontal space between the vertical members of the enclosure are 4 inches wide or less and the height of any opening 4 inches or less. Except as provided above, existing facilities shall be brought up to the standards of this Ordinance within 12 months from the effective date of this Ordinance.

PENALTIES AND REMEDIES

1. Any person who violates any provision of this Ordinance shall be guilty of a misdemeanor in accordance with NCGS 14-4 and punished by a fine not to exceed five hundred dollars (\$500.00).
2. The Town may bring a civil proceeding in the Superior Court to enforce the provisions of this Ordinance in accordance with Article 1 Part 2 of Chapter 130A of the General Statutes of the State of North Carolina.

SEVERABILITY

If any provision or clause of this Ordinance shall be declared invalid, such declaration shall not invalidate any other provision or clause of this Ordinance.

EFFECTIVE DATE

These regulations shall be in full force and effective from and after October 1, 2010.