



# Swimming Pool Committee Special Meeting Agenda

**Town of Swansboro**

Thursday, September 26, 2024

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## I. Call to Order

## II. Business

### a. Introduction of Committee Members

### b. Rules that Govern the Operation of the Committee

*Presenter: Alissa Fender, MMC – Town Clerk*

Board and committee members must comply with the North Carolina General Statutes (NCGS), particularly the regulations governing public bodies, open meetings, and conflicts of interest.

### c. Adoption of Regular Meeting Schedule

*Presenter: Alissa Fender, MMC – Town Clerk*

Pursuant to NCGS 143-318.12 a public body may establish a schedule of regular meetings, showing the time and place. A copy of the schedule shall be filed with the Town Clerk. A regular meeting schedule for the 4th Thursday of each month has been provided for consideration.

*Recommended Action: Adopt or amend the proposed meeting schedule.*

### d. Review the Rules that Govern Swimming Pools

*Presenter: Matthew Prane – Committee Chair*

Mr. Prane will review the rules that govern swimming pools in North Carolina.

### e. Review and Discuss the Direction of the Committee

*Presenter: Matthew Prane – Committee Chair*

## III. Chairman/Board Thoughts/Staff Comments

## IV. Public Comment

## V. Adjournment



# Swimming Pool Committee Meeting Agenda Item Submittal

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Item To Be Considered: **Rules that Govern the Operation of the Committee**

Board Meeting Date: **September 26, 2024**

Prepared By: **Alissa Fender, MMC – Town Clerk**

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**Overview:** Board and committee members must comply with the North Carolina General Statutes (NCGS), particularly the regulations governing public bodies, open meetings, and conflicts of interest.

Under NCGS, any board or committee considered a public body must conduct meetings openly, ensuring the public has access to both the proceedings and decision-making processes. In addition to open meetings, records of these meetings, including minutes, documents, and communications related to public business (between the members), must be made available to the public as part of the state's public records laws. Furthermore, members are required to avoid conflicts of interest by recusing themselves from any discussions or votes where personal or financial interests may compromise their objectivity. These regulations are essential for ensuring transparency, accountability, and the integrity of the organization's governance.

**Background Attachment(s):**

1. NCGS 132-1
2. NCGS 143-318.9 – 18
3. NCGS 14-234

**Recommended Action:** Review the rules that govern the operation of the committee.

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**Action:** \_\_\_\_\_  
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**§ 132-1. "Public records" defined.**

(a) "Public record" or "public records" shall mean all documents, papers, letters, maps, books, photographs, films, sound recordings, magnetic or other tapes, electronic data-processing records, artifacts, or other documentary material, regardless of physical form or characteristics, made or received pursuant to law or ordinance in connection with the transaction of public business by any agency of North Carolina government or its subdivisions. Agency of North Carolina government or its subdivisions shall mean and include every public office, public officer or official (State or local, elected or appointed), institution, board, commission, bureau, council, department, authority or other unit of government of the State or of any county, unit, special district or other political subdivision of government.

(b) The public records and public information compiled by the agencies of North Carolina government or its subdivisions are the property of the people. Therefore, it is the policy of this State that the people may obtain copies of their public records and public information free or at minimal cost unless otherwise specifically provided by law. As used herein, "minimal cost" shall mean the actual cost of reproducing the public record or public information.

(c) Article 17 of Chapter 120 of the General Statutes shall govern all records and information of the legislative branch which shall be exempt from this Chapter, including documents as defined by G.S. 120-129.

(d) No political subdivision of this State may enter into a nondisclosure agreement in order to restrict access to public records subject to disclosure under this Chapter. The contract by which a political subdivision of this State agrees not to disclose information deemed confidential under State law shall be a public record, unless the existence of the contract is also deemed confidential under State law. If a nondisclosure agreement is associated with one or more closed session meetings under Article 33C of Chapter 143 of the General Statutes, the nondisclosure agreement shall be included in the minutes of each closed session meeting. (1935, c. 265, s. 1; 1975, c. 787, s. 1; 1995, c. 388, s. 1; 2023-134, s. 27.7(f); 2023-138, s. 5(b).)

## Article 33C.

## Meetings of Public Bodies.

**§ 143-318.9. Public policy.**

Whereas the public bodies that administer the legislative, policy-making, quasi-judicial, administrative, and advisory functions of North Carolina and its political subdivisions exist solely to conduct the people's business, it is the public policy of North Carolina that the hearings, deliberations, and actions of these bodies be conducted openly. (1979, c. 655, s. 1.)

**§ 143-318.10. All official meetings of public bodies open to the public.**

(a) Except as provided in G.S. 143-318.11, 143-318.14A, and 143-318.18, each official meeting of a public body shall be open to the public, and any person is entitled to attend such a meeting. Remote meetings conducted in accordance with G.S. 166A-19.24 shall comply with this subsection even if all members of the public body are participating remotely.

(b) As used in this Article, "public body" means any elected or appointed authority, board, commission, committee, council, or other body of the State, or of one or more counties, cities, school administrative units, constituent institutions of The University of North Carolina, or other political subdivisions or public corporations in the State that (i) is composed of two or more members and (ii) exercises or is authorized to exercise a legislative, policy-making, quasi-judicial, administrative, or advisory function. In addition, "public body" means the following:

- (1) The governing board of a "public hospital" as defined in G.S. 159-39.
- (2) The governing board of any nonprofit corporation to which a hospital facility has been sold or conveyed pursuant to G.S. 131E-8, any subsidiary of such nonprofit corporation, and any nonprofit corporation owning the corporation to which the hospital facility has been sold or conveyed.
- (3) An administering organization as defined in G.S. 115C-407.50(1).

(c) "Public body" does not include (i) a meeting solely among the professional staff of a public body, or (ii) the medical staff of a public hospital or the medical staff of a hospital that has been sold or conveyed pursuant to G.S. 131E-8.

(d) "Official meeting" means a meeting, assembly, or gathering together at any time or place or the simultaneous communication by conference telephone or other electronic means of a majority of the members of a public body for the purpose of conducting hearings, participating in deliberations, or voting upon or otherwise transacting the public business within the jurisdiction, real or apparent, of the public body. However, a social meeting or other informal assembly or gathering together of the members of a public body does not constitute an official meeting unless called or held to evade the spirit and purposes of this Article.

(e) Every public body shall keep full and accurate minutes of all official meetings, including any closed sessions held pursuant to G.S. 143-318.11. Such minutes may be in written form or, at the option of the public body, may be in the form of sound or video and sound recordings. When a public body meets in closed session, it shall keep a general account of the closed session so that a person not in attendance would have a reasonable understanding of what transpired. Such accounts may be a written narrative, or video or audio recordings. Such minutes and accounts shall be public records within the meaning of the Public Records Law, G.S. 132-1 et seq.; provided, however, that minutes or an account of a closed session conducted in compliance with G.S. 143-318.11 may be withheld from public inspection so long as public inspection would frustrate

the purpose of a closed session. (1979, c. 655, s. 1; 1985 (Reg. Sess., 1986), c. 932, s. 4; 1991, c. 694, ss. 1, 2; 1993 (Reg. Sess., 1994), c. 570, s. 1; 1995, c. 509, s. 135.2(p); 1997-290, s. 1; 1997-456, s. 27; 2011-326, s. 8; 2020-3, s. 4.31(b); 2023-133, ss. 17(b), 20(a).)

### § 143-318.11. Closed sessions.

(a) Permitted Purposes. – It is the policy of this State that closed sessions shall be held only when required to permit a public body to act in the public interest as permitted in this section. A public body may hold a closed session and exclude the public only when a closed session is required:

- (1) To prevent the disclosure of information that is privileged or confidential pursuant to the law of this State or of the United States, or not considered a public record within the meaning of Chapter 132 of the General Statutes.
- (2) To prevent the premature disclosure of an honorary degree, scholarship, prize, or similar award.
- (3) To consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged. General policy matters may not be discussed in a closed session and nothing herein shall be construed to permit a public body to close a meeting that otherwise would be open merely because an attorney employed or retained by the public body is a participant. The public body may consider and give instructions to an attorney concerning the handling or settlement of a claim, judicial action, mediation, arbitration, or administrative procedure. If the public body has approved or considered a settlement, other than a malpractice settlement by or on behalf of a hospital, in closed session, the terms of that settlement shall be reported to the public body and entered into its minutes as soon as possible within a reasonable time after the settlement is concluded.
- (4) To discuss matters relating to the location or expansion of industries or other businesses in the area served by the public body, including agreement on a tentative list of economic development incentives that may be offered by the public body in negotiations, or to discuss matters relating to military installation closure or realignment. Any action approving the signing of an economic development contract or commitment, or the action authorizing the payment of economic development expenditures, shall be taken in an open session.
- (5) To establish, or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating (i) the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease; or (ii) the amount of compensation and other material terms of an employment contract or proposed employment contract.
- (6) To consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee; or to hear or investigate a complaint, charge, or grievance by or against an individual public officer or employee. General personnel policy issues may not be

considered in a closed session. A public body may not consider the qualifications, competence, performance, character, fitness, appointment, or removal of a member of the public body or another body and may not consider or fill a vacancy among its own membership except in an open meeting. Final action making an appointment or discharge or removal by a public body having final authority for the appointment or discharge or removal shall be taken in an open meeting.

- (7) To plan, conduct, or hear reports concerning investigations of alleged criminal misconduct.
  - (8) To formulate plans by a local board of education relating to emergency response to incidents of school violence or to formulate and adopt the school safety components of school improvement plans by a local board of education or a school improvement team.
  - (9) To discuss and take action regarding plans to protect public safety as it relates to existing or potential terrorist activity and to receive briefings by staff members, legal counsel, or law enforcement or emergency service officials concerning actions taken or to be taken to respond to such activity.
  - (10) To view a recording released pursuant to G.S. 132-1.4A.
- (b) Repealed by Session Laws 1991, c. 694, s. 4.

(c) Calling a Closed Session. – A public body may hold a closed session only upon a motion duly made and adopted at an open meeting. Every motion to close a meeting shall cite one or more of the permissible purposes listed in subsection (a) of this section. A motion based on subdivision (a)(1) of this section shall also state the name or citation of the law that renders the information to be discussed privileged or confidential. A motion based on subdivision (a)(3) of this section shall identify the parties in each existing lawsuit concerning which the public body expects to receive advice during the closed session.

(d) Repealed by Session Laws 1993 (Reg. Sess., 1994), c. 570, s. 2. (1979, c. 655, s. 1; 1981, c. 831; 1985 (Reg. Sess., 1986), c. 932, s. 5; 1991, c. 694, ss. 3, 4; 1993 (Reg. Sess., 1994), c. 570, s. 2; 1995, c. 509, s. 84; 1997-222, s. 2; 1997-290, s. 2; 2001-500, s. 2; 2003-180, s. 2; 2013-360, s. 8.41(b); 2014-79, s. 9(a); 2016-88, s. 3.)

#### **§ 143-318.12. Public notice of official meetings.**

(a) If a public body has established, by ordinance, resolution, or otherwise, a schedule of regular meetings, it shall cause a current copy of that schedule, showing the time and place of regular meetings, to be kept on file as follows:

- (1) For public bodies that are part of State government, with the Secretary of State;
- (2) For the governing board and each other public body that is part of a county government, with the clerk to the board of county commissioners;
- (3) For the governing board and each other public body that is part of a city government, with the city clerk;
- (4) For each other public body, with its clerk or secretary, or, if the public body does not have a clerk or secretary, with the clerk to the board of county commissioners in the county in which the public body normally holds its meetings.

If a public body changes its schedule of regular meetings, it shall cause the revised schedule to be filed as provided in subdivisions (1) through (4) of this subsection at least seven calendar days before the day of the first meeting held pursuant to the revised schedule.

(b) If a public body holds an official meeting at any time or place other than a time or place shown on the schedule filed pursuant to subsection (a) of this section, it shall give public notice of the time and place of that meeting as provided in this subsection.

- (1) If a public body recesses a regular, special, or emergency meeting held pursuant to public notice given in compliance with this subsection, and the time and place at which the meeting is to be continued is announced in open session, no further notice shall be required.
  - (2) For any other meeting, except an emergency meeting, the public body shall cause written notice of the meeting stating its purpose (i) to be posted on the principal bulletin board of the public body or, if the public body has no such bulletin board, at the door of its usual meeting room, and (ii) to be mailed, e-mailed, or delivered to each newspaper, wire service, radio station, and television station that has filed a written request for notice with the clerk or secretary of the public body or with some other person designated by the public body. The public body shall also cause notice to be mailed, e-mailed, or delivered to any person, in addition to the representatives of the media listed above, who has filed a written request with the clerk, secretary, or other person designated by the public body. This notice shall be posted and mailed, e-mailed, or delivered at least 48 hours before the time of the meeting. The notice required to be posted on the principal bulletin board or at the door of its usual meeting room shall be posted on the door of the building or on the building in an area accessible to the public if the building containing the principal bulletin board or usual meeting room is closed to the public continuously for 48 hours before the time of the meeting. The public body may require each newspaper, wire service, radio station, and television station submitting a written request for notice to renew the request annually. The public body shall charge a fee to persons other than the media, who request notice, of ten dollars (\$10.00) per calendar year, and may require them to renew their requests quarterly. No fee shall be charged for notices sent by e-mail.
  - (3) For an emergency meeting, the public body shall cause notice of the meeting to be given to each local newspaper, local wire service, local radio station, and local television station that has filed a written request, which includes the newspaper's, wire service's, or station's telephone number, for emergency notice with the clerk or secretary of the public body or with some other person designated by the public body. This notice shall be given either by e-mail, by telephone, or by the same method used to notify the members of the public body and shall be given immediately after notice has been given to those members. This notice shall be given at the expense of the party notified. Only business connected with the emergency may be considered at a meeting to which notice is given pursuant to this paragraph.
- (c) Repealed by Session Laws 1991, c. 694, s. 6.

(d) If a public body has a Web site and has established a schedule of regular meetings, the public body shall post the schedule of regular meetings to the Web site.

(e) If a public body has a Web site that one or more of its employees maintains, the public body shall post notice of any meeting held under subdivisions (b)(1) and (b)(2) of this section prior to the scheduled time of that meeting.

(f) For purposes of this section, an "emergency meeting" is one called because of generally unexpected circumstances that require immediate consideration by the public body. (1979, c. 655, s. 1; 1991, c. 694, ss. 5, 6; 2009-350, s. 1.)

### **§ 143-318.13. Electronic meetings; written ballots; acting by reference.**

(a) Electronic Meetings. – If a public body holds an official meeting by use of conference telephone or other electronic means, it shall provide a location and means whereby members of the public may listen to the meeting and the notice of the meeting required by this Article shall specify that location. A fee of up to twenty-five dollars (\$25.00) may be charged each such listener to defray in part the cost of providing the necessary location and equipment.

(b) Written Ballots. – Except as provided in this subsection or by joint resolution of the General Assembly, a public body may not vote by secret or written ballot. If a public body decides to vote by written ballot, each member of the body so voting shall sign his or her ballot; and the minutes of the public body shall show the vote of each member voting. The ballots shall be available for public inspection in the office of the clerk or secretary to the public body immediately following the meeting at which the vote took place and until the minutes of that meeting are approved, at which time the ballots may be destroyed.

(c) Acting by Reference. – The members of a public body shall not deliberate, vote, or otherwise take action upon any matter by reference to a letter, number or other designation, or other secret device or method, with the intention of making it impossible for persons attending a meeting of the public body to understand what is being deliberated, voted, or acted upon. However, this subsection does not prohibit a public body from deliberating, voting, or otherwise taking action by reference to an agenda, if copies of the agenda, sufficiently worded to enable the public to understand what is being deliberated, voted, or acted upon, are available for public inspection at the meeting.

(d) Except as provided in G.S. 166A-19.24(b)(6), this section shall not apply to remote meetings conducted in accordance with this section even if all members of the public body are participating remotely. (1979, c. 655, s. 1; 2020-3, s. 4.31(c).)

### **§ 143-318.14. Broadcasting or recording meetings.**

(a) Except as herein below provided, any radio or television station is entitled to broadcast all or any part of a meeting required to be open. Any person may photograph, film, tape-record, or otherwise reproduce any part of a meeting required to be open.

(b) A public body may regulate the placement and use of equipment necessary for broadcasting, photographing, filming, or recording a meeting, so as to prevent undue interference with the meeting. However, the public body must allow such equipment to be placed within the meeting room in such a way as to permit its intended use, and the ordinary use of such equipment shall not be declared to constitute undue interference; provided, however, that if the public body, in good faith, should determine that the size of the meeting room is such that all the members of the public body, members of the public present, and the equipment and personnel necessary for



broadcasting, photographing, filming, and tape-recording the meeting cannot be accommodated in the meeting room without unduly interfering with the meeting and an adequate alternative meeting room is not readily available, then the public body, acting in good faith and consistent with the purposes of this Article, may require the pooling of such equipment and the personnel operating it; and provided further, if the news media, in order to facilitate news coverage, request an alternate site for the meeting, and the public body grants the request, then the news media making such request shall pay any costs incurred by the public body in securing an alternate meeting site. (1979, c. 655, s. 1.)

**§ 143-318.14A. Legislative commissions, committees, and standing subcommittees.**

(a) Except as provided in subsection (e) below, all official meetings of commissions, committees, and standing subcommittees of the General Assembly (including, without limitation, joint committees and study committees), shall be held in open session. For the purpose of this section, the following also shall be considered to be "commissions, committees, and standing subcommittees of the General Assembly":

- (1) The Legislative Research Commission;
- (2) The Legislative Services Commission;
- (3) Repealed by Session Laws 2006-203, s. 93, effective July 1, 2007, and applicable to the budget for the 2007-2009 biennium and each subsequent biennium thereafter.
- (4) Repealed by Session Laws 2011-291, s. 2.50, effective June 24, 2011;
- (5) The Joint Legislative Commission on Governmental Operations;
- (6) The Joint Legislative Commission [Committee] on Local Government;
- (7) Repealed by Session Laws 1997, c. 443, s. 12.30, effective August 28, 1997.
- (8) Repealed by Session Laws 2011-291, s. 2.50, effective June 24, 2011;
- (9) The Environmental Review Commission;
- (10) The Joint Legislative Transportation Oversight Committee;
- (11) The Joint Legislative Education Oversight Committee;
- (12) Repealed by Session Laws 2011-266, s. 1.28(b), effective July 1, 2011 and Session Laws 2011-291, s. 2.50, effective June 24, 2011;
- (13) The Commission on Children with Special Needs;
- (14) Repealed by Session Laws 2011-291, s. 2.50, effective June 24, 2011;

- (15) The Agriculture and Forestry Awareness Study Commission; and
- (16) Repealed by Session Laws 2011-291, s. 2.50, effective June 24, 2011;
- (17) The standing Committees on Pensions and Retirement.

(b) Reasonable public notice of all meetings of commissions, committees, and standing subcommittees of the General Assembly shall be given. For purposes of this subsection, "reasonable public notice" includes, but is not limited to:

- (1) Notice given openly at a session of the Senate or of the House; or
- (2) Notice mailed or sent by electronic mail to those who have requested notice, and to the Legislative Services Office, which shall post the notice on the General Assembly web site.

G.S. 143-318.12 shall not apply to meetings of commissions, committees, and standing subcommittees of the General Assembly.

(c) A commission, committee, or standing subcommittee of the General Assembly may take final action only in an open meeting.

(d) A violation of this section by members of the General Assembly shall be punishable as prescribed by the rules of the House or the Senate.

(e) The following sections shall apply to meetings of commissions, committees, and standing subcommittees of the General Assembly: G.S. 143-318.10(e) and G.S. 143-318.11,

G.S. 143-318.13 and G.S. 143-318.14, G.S. 143-318.16 through G.S. 143-318.17, and G.S. 166A-19.24. (1991, c. 694, s. 7; 1991 (Reg. Sess., 1992), c. 785, s. 4; c. 1030, s. 42; 1993, c. 321, s. 169.2(f); 1997-443, s. 12.30; 2003-374, s. 1; 2006-203, s. 93; 2011-266, s. 1.28(b); 2011-291, s. 2.50; 2020-3, s. 4.31(d).)

**§ 143-318.15: Repealed by Session Laws 2006-203, s. 94, effective July 1, 2007, and applicable to the budget for the 2007-2009 biennium and each subsequent biennium thereafter.**

**§ 143-318.16. Injunctive relief against violations of Article.**

(a) The General Court of Justice has jurisdiction to enter mandatory or prohibitory injunctions to enjoin (i) threatened violations of this Article, (ii) the recurrence of past violations of this Article, or (iii) continuing violations of this Article. Any person may bring an action in the appropriate division of the General Court of Justice seeking such an injunction; and the plaintiff need not allege or prove special damage different from that suffered by the public at large. It is not a defense to such an action that there is an adequate remedy at law.

(b) Any injunction entered pursuant to this section shall describe the acts enjoined with reference to the violations of this Article that have been proved in the action.

(c) Repealed by Session Laws 1985 (Reg. Sess., 1986), c. 932, s. 3, effective October 1, 1986. (1979, c. 655, s. 1; 1985 (Reg. Sess., 1986), c. 932, s. 3.)

**§ 143-318.16A. Additional remedies for violations of Article.**

(a) Any person may institute a suit in the superior court requesting the entry of a judgment declaring that any action of a public body was taken, considered, discussed, or deliberated in violation of this Article. Upon such a finding, the court may declare any such action null and void. Any person may seek such a declaratory judgment, and the plaintiff need not allege or prove special damage different from that suffered by the public at large. The public body whose action the suit seeks to set aside shall be made a party. The court may order other persons be made parties if they have or claim any right, title, or interest that would be directly affected by a declaratory judgment voiding the action that the suit seeks to set aside.

(b) A suit seeking declaratory relief under this section must be commenced within 45 days following the initial disclosure of the action that the suit seeks to have declared null and void; provided, however, that any suit for declaratory judgment brought pursuant to this section that seeks to set aside a bond order or bond referendum shall be commenced within the limitation periods prescribed by G.S. 159-59 and G.S. 159-62. If the challenged action is recorded in the minutes of the public body, its initial disclosure shall be deemed to have occurred on the date the minutes are first available for public inspection. If the challenged action is not recorded in the minutes of the public body, the date of its initial disclosure shall be determined by the court based on a finding as to when the plaintiff knew or should have known that the challenged action had been taken.

(c) In making the determination whether to declare the challenged action null and void, the court shall consider the following and any other relevant factors:

- (1) The extent to which the violation affected the substance of the challenged action;
- (2) The extent to which the violation thwarted or impaired access to meetings or proceedings that the public had a right to attend;
- (3) The extent to which the violation prevented or impaired public knowledge or understanding of the people's business;
- (4) Whether the violation was an isolated occurrence, or was a part of a continuing pattern of violations of this Article by the public body;
- (5) The extent to which persons relied upon the validity of the challenged action, and the effect on such persons of declaring the challenged action void;
- (6) Whether the violation was committed in bad faith for the purpose of evading or subverting the public policy embodied in this Article.

(d) A declaratory judgment pursuant to this section may be entered as an alternative to, or in combination with, an injunction entered pursuant to G.S. 143-318.16.

(e) The validity of any enacted law or joint resolution or passed simple resolution of either house of the General Assembly is not affected by this Article. (1985 (Reg. Sess., 1986), c. 932, s. 1; 1991, c. 694, s. 8.)

**§ 143-318.16B. Assessments and awards of attorneys' fees.**

When an action is brought pursuant to G.S. 143-318.16 or G.S. 143-318.16A, the court may make written findings specifying the prevailing party or parties, and may award the prevailing party or parties a reasonable attorney's fee, to be taxed against the losing party or parties as part of the costs. The court may order that all or any portion of any fee as assessed be paid personally

by any individual member or members of the public body found by the court to have knowingly or intentionally committed the violation; provided, that no order against any individual member shall issue in any case where the public body or that individual member seeks the advice of an attorney, and such advice is followed. (1985 (Reg. Sess., 1986), c. 932, s. 2; 1993 (Reg. Sess., 1994), c. 570, s. 3.)

**§ 143-318.16C. Accelerated hearing; priority.**

Actions brought pursuant to G.S. 143-318.16 or G.S. 143-318.16A shall be set down for immediate hearing, and subsequent proceedings in such actions shall be accorded priority by the trial and appellate courts. (1993 (Reg. Sess., 1994), c. 570, s. 4.)

**§ 143-318.16D. Local acts.**

Any reference in any city charter or local act to an "executive session" is amended to read "closed session". (1993 (Reg. Sess., 1994), c. 570, s. 4.)

**§ 143-318.17. Disruptions of official meetings.**

A person who willfully interrupts, disturbs, or disrupts an official meeting and who, upon being directed to leave the meeting by the presiding officer, willfully refuses to leave the meeting is guilty of a Class 2 misdemeanor. (1979, c. 655, s. 1; 1993, c. 539, s. 1028; 1994, Ex. Sess., c. 24, s. 14(c).)

**§ 143-318.18. Exceptions.**

This Article does not apply to any of the following:

- (1) Grand and petit juries.
- (2) Any public body that is specifically authorized or directed by law to meet in executive or confidential session, to the extent of the authorization or direction.
- (3) The Judicial Standards Commission.
- (3a) The North Carolina Innocence Inquiry Commission.
- (4) Repealed by Session Laws 1991, c. 694, s. 9.
- (4a) The Legislative Ethics Committee.
- (4b) A conference committee of the General Assembly.
- (4c) A caucus by members of the General Assembly; however, no member of the General Assembly shall participate in a caucus that is called for the purpose of evading or subverting this Article.
- (5) Law enforcement agencies.

- (6) A public body authorized to investigate, examine, or determine the character and other qualifications of applicants for professional or occupational licenses or certificates or to take disciplinary actions against persons holding these licenses or certificates, (i) while preparing, approving, administering, or grading examinations or (ii) while meeting with respect to an individual applicant for or holder of the license or certificate. This exception does not amend, repeal, or supersede any other statute that requires a public hearing or other practice and procedure in a proceeding before the public body.
- (7) Any public body subject to the State Budget Act, Chapter 143C of the General Statutes, and exercising quasi-judicial functions, during a meeting or session held solely for the purpose of making a decision in an adjudicatory action or proceeding.
- (8) The boards of trustees of endowment funds authorized by G.S. 116-36.
- (9) Repealed by Session Laws 1991, c. 694, s. 9.
- (10) Repealed by Session Laws 2013-234, s. 10, effective July 3, 2013.
- (11) The General Court of Justice. (1979, c. 655, s. 1; 1985, c. 757, s. 206(e); 1991, c. 694, s. 9; 2006-184, s. 6; 2006-203, s. 95; 2010-171, s. 5; 2013-234, s. 10; 2021-88, s. 13.)

**§ 14-234. Public officers or employees benefiting from public contracts; exceptions.**

- (a) (1) No public officer or employee who is involved in making or administering a contract on behalf of a public agency may derive a direct benefit from the contract except as provided in this section, or as otherwise allowed by law.
- (2) A public officer or employee who will derive a direct benefit from a contract with the public agency he or she serves, but who is not involved in making or administering the contract, shall not attempt to influence any other person who is involved in making or administering the contract.
- (3) No public officer or employee may solicit or receive any gift, favor, reward, service, or promise of reward, including a promise of future employment, in exchange for recommending, influencing, or attempting to influence the award of a contract by the public agency he or she serves.
- (a1) For purposes of this section:
- (1) As used in this section, the term "public officer" means an individual who is elected or appointed to serve or represent a public agency, other than an employee or independent contractor of a public agency.
- (2) A public officer or employee is involved in administering a contract if he or she oversees the performance of the contract or has authority to make decisions regarding the contract or to interpret the contract.
- (3) A public officer or employee is involved in making a contract if he or she participates in the development of specifications or terms or in the preparation or award of the contract. A public officer is also involved in making a contract if the board, commission, or other body of which he or she is a member takes action on the contract, whether or not the public officer actually participates in that action, unless the contract is approved under an exception to this section under which the public officer is allowed to benefit and is prohibited from voting.
- (4) A public officer or employee derives a direct benefit from a contract if the person or his or her spouse: (i) has more than a ten percent (10%) ownership or other interest in an entity that is a party to the contract; (ii) derives any income or commission directly from the contract; or (iii) acquires property under the contract.
- (5) A public officer or employee is not involved in making or administering a contract solely because of the performance of ministerial duties related to the contract.
- (b) Subdivision (a)(1) of this section does not apply to any of the following:
- (1) Any contract between a public agency and a bank, banking institution, savings and loan association, or with a public utility regulated under the provisions of Chapter 62 of the General Statutes.
- (2) An interest in property conveyed by an officer or employee of a public agency under a judgment, including a consent judgment, entered by a superior court judge in a condemnation proceeding initiated by the public agency.
- (3) Any employment relationship between a public agency and the spouse of a public officer of the agency.

(3a) Any employment relationship between a local board of education and the spouse of the superintendent of that local school administrative unit, if that employment relationship has been approved by that board in an open session meeting pursuant to the board's policy adopted as provided in G.S. 115C-47(17a).

- (4) Remuneration from a public agency for services, facilities, or supplies furnished directly to needy individuals by a public officer or employee of the agency under any program of direct public assistance being rendered under the laws of this State or the United States to needy persons administered in whole or in part by the agency if: (i) the programs of public assistance to needy persons are open to general participation on a nondiscriminatory basis to the practitioners of any given profession, professions or occupation; (ii) neither the agency nor any of its employees or agents, have control over who, among licensed or qualified providers, shall be selected by the beneficiaries of the assistance; (iii) the remuneration for the services, facilities or supplies are in the same amount as would be paid to any other provider; and (iv) although the public officer or employee may participate in making determinations of eligibility of needy persons to receive the assistance, he or she takes no part in approving his or her own bill or claim for remuneration.

(b1) No public officer who will derive a direct benefit from a contract entered into under subsection (b) of this section may deliberate or vote on the contract or attempt to influence any other person who is involved in making or administering the contract.

(c) through (d) Repealed by Session Laws 2001-409, s. 1, effective July 1, 2002.

(d1) Subdivision (a)(1) of this section does not apply to (i) any elected official or person appointed to fill an elective office of a village, town, or city having a population of no more than 20,000 according to the most recent official federal census, (ii) any elected official or person appointed to fill an elective office of a county within which there is located no village, town, or city with a population of more than 20,000 according to the most recent official federal census, (iii) any elected official or person appointed to fill an elective office on a city board of education in a city having a population of no more than 20,000 according to the most recent official federal census, (iv) any elected official or person appointed to fill an elective office as a member of a county board of education in a county within which there is located no village, town or city with a population of more than 20,000 according to the most recent official federal census, (v) any physician, pharmacist, dentist, optometrist, veterinarian, or nurse appointed to a county social services board, local health board, or area mental health, developmental disabilities, and substance abuse board serving one or more counties within which there is located no village, town, or city with a population of more than 20,000 according to the most recent official federal census, and (vi) any member of the board of directors of a public hospital if all of the following apply:

- (1) The undertaking or contract or series of undertakings or contracts between the village, town, city, county, county social services board, county or city board of education, local health board or area mental health, developmental disabilities,

and substance abuse board, or public hospital and one of its officials is approved by specific resolution of the governing body adopted in an open and public meeting, and recorded in its minutes and the amount does not exceed twenty thousand dollars (\$20,000) for medically related services and sixty thousand dollars (\$60,000) for other goods or services within a 12-month period.

- (2) The official entering into the contract with the unit or agency does not participate in any way or vote.
- (3) The total annual amount of contracts with each official, shall be specifically noted in the audited annual financial statement of the village, town, city, or county.
- (4) The governing board of any village, town, city, county, county social services board, county or city board of education, local health board, area mental health, developmental disabilities, and substance abuse board, or public

hospital which contracts with any of the officials of their governmental unit shall post in a conspicuous place in its village, town, or city hall, or courthouse, as the case may be, a list of all such officials with whom such contracts have been made, briefly describing the subject matter of the undertakings or contracts and showing their total amounts; this list shall cover the preceding 12 months and shall be brought up-to-date at least quarterly. (d2) Subsection (d1) of this section does not apply to contracts that are subject to Article 8 of Chapter 143 of the General Statutes, Public Building Contracts.

(d3) Subsection (a) of this section does not apply to an application for or the receipt of a grant under an exempted public program by a member of the Soil and Water Conservation Commission if the requirements of G.S. 139-4(e) are met, and does not apply to a district supervisor of a soil and water conservation district if the requirements of G.S. 139-8(b) are met. For purposes of this subsection, an exempted public program is any of the following:

- (1) The Agriculture Cost Share Program for Nonpoint Source Pollution Control created pursuant to Article 72 of Chapter 106 of the General Statutes.
- (2) The Community Conservation Assistance Program created pursuant to Article 73 of Chapter 106 of the General Statutes.
- (3) The Agricultural Water Resources Assistance Program created pursuant to Article 5 of Chapter 139 of the General Statutes.
- (4) The Streamflow Rehabilitation Assistance Program created pursuant to Article 6 of Chapter 139 of the General Statutes.

(d4) Subsection (a) of this section does not apply to an application for, or the receipt of a grant or other financial assistance from, the Tobacco Trust Fund created under Article 75 of Chapter 143 of the General Statutes by a member of the Tobacco Trust Fund Commission or an entity in which a member of the Commission has an interest provided that the requirements of G.S. 143-717(h) are met.

(d5) This section does not apply to a public hospital subject to G.S. 131E-14.2 or a public hospital authority subject to G.S. 131E-21.

(d6) Repealed by Session Laws 2016-126, 4th Ex. Sess., s. 13, effective January 1, 2017.



(e) Anyone violating this section shall be guilty of a Class 1 misdemeanor.

(f) A contract entered into in violation of this section is void. A contract that is void under this section may continue in effect until an alternative can be arranged when: (i) immediate termination would result in harm to the public health or welfare, and (ii) the continuation is approved as provided in this subsection. A public agency that is a party to the contract may request approval to continue contracts under this subsection as follows:

- (1) Local governments, as defined in G.S. 159-7(15), public authorities, as defined in G.S. 159-7(10), local school administrative units, and community colleges may request approval from the chair of the Local Government Commission.
- (2) All other public agencies may request approval from the State Director of the Budget.

Approval of continuation of contracts under this subsection shall be given for the minimum period necessary to protect the public health or welfare. (1825, c. 1269, P.R; 1826, c. 29; R.C., c. 34, s. 38; Code, s. 1011; Rev., s. 3572; C.S., s. 4388; 1929, c. 19, s. 1; 1969, c. 1027; 1975, c. 409; 1977, cc. 240, 761; 1979, c. 720; 1981, c. 103, ss. 1, 2, 5; 1983, c. 544, ss. 1, 2; 1985, c. 190; 1987, c. 570; 1989, c. 231; 1991 (Reg. Sess., 1992), c. 1030, s. 5; 1993, c. 539, s. 145; 1994, Ex. Sess., c. 24, s. 14(c); 1995, c. 519, s. 4; 2000-147, s. 6; 2001-409, s. 1; 2001-487, ss. 44(a), 44(b), 45; 2002-159, s. 28; 2006-78, s. 2; 2009-2, s. 2; 2009-226, s. 1; 2010-169, s. 2(a); 2011-145, ss.

13.22A(dd), 13.23(b); 2016-126, 4th Ex. Sess., s. 13; 2018-26, s. 1; 2021-117, s. 1(a); 2021-180, s. 5.9(l).)



# Swimming Pool Committee Meeting Agenda Item Submittal

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Item To Be Considered: **Adoption of Regular Meeting Schedule**

Board Meeting Date: **September 26, 2024**

Prepared By: **Alissa Fender, MMC – Town Clerk**

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**Overview:** Pursuant to NCGS 143-318.12 a public body may establish a schedule of regular meetings, showing the time and place. A copy of the schedule shall be filed with the Town Clerk. A regular meeting schedule for the 4th Thursday of each month has been provided for consideration.

Please note, Thursday – December 26, 2024, has been omitted from this schedule. Town staff will be off and facilities are closed in observance of the Christmas holiday on the 25th and 26th.

**Background Attachment(s):** Proposed Regular Meeting Schedule

**Recommended Action:** Adopt or amend the proposed meeting schedule.

---

**Action:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



# **TOWN OF SWANSBORO Swimming Pool Committee Regular Meeting Schedule**

All meetings are held at 6:00 pm at the Recreation Center  
830 Main Street Extension – Swansboro, NC 28584

**October 24, 2024**

**November 28, 2024**

**No Meeting in December**

**January 23, 2025**

**February 27, 2025**

**March 27, 2025**

**April 24, 2025**

**May 29, 2025**

**June 26, 2025**

**July 24, 2025**

**August 28, 2025**

**September 25, 2025**



# Swimming Pool Committee Meeting Agenda Item Submittal

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Item To Be Considered: **Review the Rules that Govern Swimming Pools**

Board Meeting Date: **September 26, 2024**

Prepared By: **Alissa Fender, MMC – Town Clerk**

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**Overview:** Mr. Prane will review the rules that govern swimming pools in North Carolina.

**Background Attachment(s):** Rules published by North Carolina Department of Health and Human Services Division of Public Health Environmental Health Services Section

**Recommended Action:** Review the rules that govern swimming pools.

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**Action:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

# RULES GOVERNING PUBLIC SWIMMING POOLS

15A NCAC 18A .2500

North Carolina  
Department of Health and Human Services  
Division of Public Health  
Environmental Health Services Section

EFFECTIVE  
MAY 1, 1991  
AMENDED EFFECTIVE  
JULY 1, 2022

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## 130A-280 THROUGH 130A-282

§ 130A-280. Scope. This Article provides for the regulation of public swimming pools in the State as they may affect the public health and safety. As used in this Article, the term "public swimming pool" means any structure, chamber, or tank containing an artificial body of water used by the public for swimming, diving, wading, recreation, or therapy, together with buildings, appurtenances, and equipment used in connection with the body of water, regardless of whether a fee is charged for its use. The term includes municipal, school, hotel, motel, apartment, boarding house, athletic club, or other membership facility pools and spas, spas operating for display at temporary events, and artificial swimming lagoons. As used in this Article, an "artificial swimming lagoon" means any body of water used for recreational purposes with more than 20,000 square feet of surface area, an artificial liner, and a method of disinfectant that results in a disinfectant residual in the swimming zone that is protective of the public health. This Article does not apply to a private pool serving a single family dwelling and used only by the residents of the dwelling and their guests. This Article also does not apply to therapeutic pools used in physical therapy programs operated by medical facilities licensed by the Department or operated by a licensed physical therapist, nor to therapeutic chambers drained, cleaned, and refilled after each individual use. (1989, c. 577, s. 1; 1997-443, s. 11A.80; 2019-88, s. 2(a); 2021-77, s. 8(a).)

### § 130A-281. Operation permit required.

No public swimming pool may be opened for use unless the owner or operator has obtained an operation permit issued by the Department pursuant to rules adopted under G.S. 130A-282. (1989, c. 577, s. 1.)

### § 130A-282. Commission to adopt rules; exception.

(a) Rules Required. For protection of the public health and safety, the Commission shall adopt and the Department shall enforce rules concerning the construction and operation of public swimming pools. The Commission shall classify public swimming pools on the basis of size, usage, type, or any other appropriate factor and shall adopt requirements for each classification. The rules shall include requirements for:

- (1) Submission and review of plans prior to construction.
- (2) Application, review, expiration, renewal, and revocation or suspension of an operating permit.
- (3) Inspection.
- (4) Design and construction including materials, depth and other dimensions, and standards for the abatement of suction hazards.
- (5) Operation and safety including water source, water quality and testing, fencing, water treatment, chemical storage, toilet and bath facilities, measures to ensure the personal cleanliness of bathers, safety equipment and other safety measures, and sewage and other wastewater disposal.

(b) Exception. Public swimming pools constructed or remodeled prior to May 1, 1993, that do not meet specific design and construction requirements of the rules for public swimming pools adopted by the Commission shall not be required to comply with design and construction requirements other than requirements related to the abatement of suction hazards. Public swimming pools constructed or remodeled prior to May 1, 1993, shall comply with all other rules for public swimming pools adopted by the Commission.

(c) No single drain, single suction outlet public swimming pools less than 18 inches deep shall be allowed to operate. (1989, c. 577, s. 1; 1993, c. 215, s. 1; 1993 (Reg. Sess., 1994), c. 732, s. 1.)

**15A NCAC 18A .2508 DEFINITIONS**

The following definitions apply throughout this Section:

- (1) "Department" means North Carolina Department of Health and Human Services.
- (2) "Equipment replacement" means replacement of individual components of the hydraulic and disinfection systems such as pumps, filters, and automatic chemical feeders.
- (3) "Public swimming pool" means public swimming pool as defined in G.S. 130A-280. Public swimming pools are divided into five types:
  - (a) "Swimming pools" are public swimming pools used primarily for swimming.
  - (b) "Spas" are public swimming pools designed for recreational and therapeutic use that are not drained, cleaned, or refilled after each individual use. Spas may include units designed for hydrojet circulation, hot water, cold water mineral bath, air induction bubbles, or any combination thereof. Common terminology for spas includes "therapeutic pool," "hydrotherapy pool," "whirlpool," "hot spa," and "hot tub."
  - (c) "Wading pools" are public swimming pools designed for use by children, including wading pools for toddlers and children's activity pools designed for casual water play ranging from splashing activity to the use of interactive water features placed in the pool.
  - (d) "Water recreation attractions" are pools designed for special purposes that differentiate them from swimming pools, wading pools, and spas. They include:
    - (i) water slide plunge pools and run out lanes, which transfer the kinetic energy of the users' velocity through friction to the slide;
    - (ii) wave pools;
    - (iii) rapid rides;
    - (iv) lazy rivers;
    - (v) interactive play attractions that incorporate devices using sprayed, jetted, or other water sources contacting the users and that do not incorporate standing or captured water as part of the user activity area;
    - (vi) training pools deeper than a 24 inch deep wading pool and shallower than a 36 inch deep swimming pool; and
    - (vii) artificial swimming lagoons as defined in G.S. 130A-280.
  - (e) "Special purpose and therapy pools" are pools designed and used for therapeutic treatments or physical training and fitness outside of a licensed medical facility or practice of a licensed physical therapist. They include:
    - (i) float tanks used for float therapy in a salt brine solution;
    - (ii) swim spa training pools which use jetted water for stationary swimming against a water current;
    - (iii) exercise therapy and treadmill pools equipped for water resistance exercise therapy; and
    - (iv) scuba pools designed and used for training swimmers to use self-contained underwater breathing apparatus.
  - (f) "Display spa at a temporary event" or "DSTE" is a portable, above ground spa that contains water but is not used for body immersion and is displayed at a temporary event.
- (4) "Registered Design Professional" means an individual who is registered or licensed to practice engineering as defined by G.S. 89C or architecture as defined by G.S. 83A.
- (5) "Remodeled" means renovated in a manner requiring disruption of the majority of the pool shell or deck, changes in the pool profile, or redesign of the pool hydraulic system.
- (6) "Repair" means returning existing equipment to working order, replastering or repainting of the pool interior, replacement of tiles or coping, and similar maintenance activities. This term includes replacement of pool decks where the Department has determined that no changes are needed to underlying pipes or other pool structures.
- (7) "Safety vacuum release system" means a system or device capable of providing vacuum release at a suction outlet caused by a high vacuum occurrence due to suction outlet flow blockage.
- (8) "Splash zone" means the area of an interactive play attraction that sheds water to a surge tank or container to be recirculated.
- (9) "Temporary event" means a non-permanent fair, carnival, circus, festival, or public exhibition.
- (10) "Unblockable drain" means a drain of any size and shape that a human body cannot sufficiently block to create a suction entrapment hazard.



- (11) "Water feature" means any component within a public swimming pool that pumps, jets, or sprays water above the waterline.

*History Note:* Authority G.S. 130A-280; 130A-282;  
 Eff. May 1, 1991;  
 Temporary Amendment Eff. June 1, 1994 for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;  
 Amended Eff. April, 1, 2013; May 1, 2010; March 1, 2004; April 1, 1999; January 1, 1996; October 1, 1994;  
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019;  
 Temporary Amendment Eff. December 3, 2019;  
 Amended Eff. July 1, 2022; October 1, 2020.

#### **15A NCAC 18A .2509 PLAN REVIEW AND APPROVAL**

- (a) Public swimming pools plans and specifications shall be prepared by a registered design professional if required by G.S. 89C Engineering or G.S. 83A Architecture, and shall be approved by the Department prior to construction. If required by G.S. 87-1 General Contractors, public swimming pools shall be constructed by swimming pool contractors licensed by the North Carolina Licensing Board for General Contractors.
- (b) The owner shall submit a minimum of two complete sets of plans to the local Health Department for review. Plans shall be drawn to scale and accompanied by specifications so as to permit a clear, comprehensive review by the local health department. All prints of drawings shall be a minimum of 18 x 24 inches and a maximum size of 36 x 42 inches. These plans shall include:
- (1) Plan and sectional view dimensions of both the pool and the area enclosed by the barrier fences to include the bathhouse and the equipment room and pool accessories;
  - (2) Specifications of all treatment equipment used and their layout in the equipment room;
  - (3) A piping schematic showing piping, pipe size, inlets, main drains, skimmers, gutter outlets, vacuum fittings and all other appurtenances connected to the pool-piping system;
  - (4) Layout of the chemical storage room; and
  - (5) Specifications for the water supply and wastewater disposal systems that include aspects such as well location and backwash water disposal where applicable.
- (c) The Department shall approve, disapprove, or provide written comments on plans and specifications for public swimming pools within 30 days of their receipt. If such action is not taken within 30 days, the plans and specifications shall be deemed approved.
- (d) If construction is not initiated within one year from the date of approval, the approval is void.
- (e) The swimming pool contractor shall contact the local health department when pool pipes are in place and visible so that the local health department may conduct an open-pipe inspection of the pool piping.
- (f) Prior to issuance of the operation permit, the owner shall submit to the local health department a statement signed by a registered design professional stating that construction is complete and in accordance with approved plans and specifications and approved modifications. Observation of construction and a final inspection for design compliance by the certifying registered design professional or his representative are required for this statement.
- (g) Upon completion of construction, the contractor shall notify the local health department and the owner. The contractor shall provide the owner with a complete set of drawings, which show as built, the location of all pipes and the connections of all equipment and written operating instructions for all equipment.

*History Note:* Authority G.S. 130A-282;  
 Eff. May 1, 1991;  
 Amended Eff. May 1, 2010; July 1, 1992;  
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.

#### **15A NCAC 18A .2510 PUBLIC SWIMMING POOL OPERATION PERMITS**

- (a) No public swimming pool shall commence or continue operation unless the owner or operator has an operation permit issued by the Department for each public swimming pool. Unless suspended or revoked, the operation permit shall be valid for the period of operation specified in the application but in no event shall it be valid for more than 12 months. For public swimming pools which are constructed or remodeled, plans and specifications shall have been

approved by the Department in accordance with Rule .2509. Compliance with the design and construction requirements in Rules .2514 through .2534 and approval of plans and specifications shall not be required for public swimming pools constructed or remodeled prior to May 1, 1993. No public swimming pool shall commence or continue operation after May 1, 2010 unless documentation of compliance with pool drain safety requirements of Rule .2539 of this Section has been submitted to the local health department.

(b) Equipment replacement shall comply with Rules .2514 through .2534 and shall be approved by the Department prior to installation. However, for existing swimming pools with recirculation systems unable to meet the pool volume turnover rates specified in the rules of this Section, pump replacement shall match the flow capabilities of the system. Repairs do not require prior approval by the Department.

(c) A separate application for an operation permit must be submitted for each public swimming pool. The owner or operator shall apply annually to the Department for an operator's permit. The application form shall be obtained from the Department and shall include the following information:

- (1) the owner's name, address, and phone number;
- (2) the operator's name, address, and phone number;
- (3) street address of the public swimming pool;
- (4) the physical location of the public swimming pool;
- (5) type of public swimming pool;
- (6) construction date;
- (7) proposed operating dates;
- (8) type of disinfection; and
- (9) signature of owner or designated representative.

*History Note: Authority G.S. 130A-282;  
Eff. May 1, 1991;  
Amended Eff. May 1, 2010; January 1, 1996;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.*

#### **15A NCAC 18A .2511 INSPECTIONS**

(a) Each public swimming pool shall be inspected by the Department to determine compliance with the rules of this Section. Where an operation permit is issued prior to inspection of a public swimming pool, an inspection shall be completed within 60 days following issuance of the permit. Pools that open on or after April 1 and close on or before October 31 shall be inspected at least once during the period of operation. All other pools shall be inspected at least twice a year.

(b) Inspections of public swimming pools shall be conducted by Environmental Health Specialists authorized by the Department to enforce the rules of this Section. Inspections shall be documented on Inspection of Swimming Pool Form DENR 3960. Items on the grade sheet shall be divided into two, four and six-demerit items. Six-demerit items are failures to maintain minimum water quality or safety standards and warrant immediate suspension of an operation permit under G.S. 130A-23(d). Four-demerit items are rule violations which warrant denial of an operation permit or notification of an intent to suspend an operation permit. Two-demerit items are rule violations that do not warrant permit action unless such violation causes an imminent hazard, a failure to meet water quality or safety standard, or a suction hazard. Demerits shall be assessed for each item found not to be in compliance with the rules of this Section. Demerits shall be assessed as follows:

- (1) Violation of Rule .2535(2) of this Section regarding water clarity shall be assessed six demerits.
- (2) Violation of Rule .2531(a)(10), .2531(b)(3), .2535(3), (4), (5), (7), (8), or (9), or .2543(d)(7) or (e)(2) of this Section regarding disinfectant residuals shall be assessed six demerits.
- (3) Violation of Rule .2535(1) of this Section regarding pool water pH shall be assessed six demerits.
- (4) Violation of Rule .2535(12) of this Section or regarding control of water temperature in heated pools shall be assessed six demerits.
- (5) Violation of Rule .2535(10), (11), or (13), .2537(c), or .2540 of this Section regarding pool operator training, water quality records and test kits shall be assessed four demerits.
- (6) Violation of Rule .2518(j), .2537(b)(7) or (16), or .2539 of this Section regarding pool drains and suction hazards shall be assessed six demerits.
- (7) Violation of Rule .2537(b)(3), (8), (9) or (14) of this Section regarding maintenance of pool walls and floor shall be assessed four demerits.

- (8) Violation of Rule .2518(k) or (l), .2531(4), .2532(4)(b) or .2537(b)(14) of this Section regarding water surface skimmers shall be assessed four demerits.
- (9) Violation of Rule .2523 or .2537(b)(6) of this Section regarding depth markers and no diving markers shall be assessed four demerits.
- (10) Violation of Rule .2515(d) or (f), .2523(e) or .2537(b)(12) of this Section regarding floating safety ropes and contrasting color bands at breakpoints shall be assessed two demerits.
- (11) Violation of Rule .2517, .2521, .2527, .2537(b)(10), .2527, or .2542 of this Section regarding diving equipment, slides, ladders, steps, handrails and in-pool exercise equipment shall be assessed two demerits.
- (12) Violation of Rule .2518(i) or .2537(b)(8) of this Section regarding inlets and other fittings shall be assessed four demerits.
- (13) Violation of Rule .2516(b), .2521(b)(4), .2532(13) or .2537(b)(12) of this Section regarding contrasting color bands on seats or benches shall be assessed four demerits.
- (14) Violation of Rule .2532(7) or .2537(b)(11) of this Section regarding spa timers shall be assessed four demerits.
- (15) Violation of Rule .2530(a), or (b), or .2537(b)(1) of this Section regarding lifesaving equipment shall be assessed six demerits.
- (16) Violation of Rule .2528, .2531(a)(7) or .2537(b)(5) of this Section regarding fences, barriers and gates shall be assessed four demerits.
- (17) Violation of Rule .2522 or .2537(b)(2) of this Section regarding decks shall be assessed four demerits.
- (18) Violation of Rule .2530(c) of this Section regarding No Lifeguard warning signs shall be assessed four demerits.
- (19) Violation of Rule .2530(d) or .2543(d)(13) of this Section regarding pet and glass container signs shall be assessed four demerits.
- (20) Violation of Rule .2532(15) through (17), or .2537(b)(13) of this Section regarding caution signs at hot water spas shall be assessed four demerits.
- (21) Violation of Rule .2524, or .2537(b)(4) of this Section regarding pool and deck lighting and ventilation shall be assessed four demerits.
- (22) Violation of Rule .2530(f) of this Section regarding emergency telephones shall be assessed six demerits.
- (23) Violation of Rule .2535(6) of this Section regarding automatic chlorine or bromine feeders shall be assessed four demerits.
- (24) Violation of Rule .2518, .2519, .2525, .2531(a)(1) through (3), .2532(1) through (6), or .2543(b), (d)(1) through (6) or (e)(1) of this Section regarding pool filter and circulation systems shall be assessed four demerits.
- (25) Violation of Rule .2533, .2534 or .2537(b)(15) of this Section regarding equipment rooms and chemical storage rooms shall be assessed two demerits.
- (26) Violation of Rule .2518(d) of this Section regarding identification of valves and pipes shall be assessed two demerits.
- (27) Violation of Rule .2513(b) of this Section regarding air gaps for filter backwash shall be assessed two demerits.
- (28) Violation of Rule .2526 or .2543(d)(11) of this Section regarding accessible dressing and sanitary facilities shall be assessed two demerits.
- (29) Violation of Rule .2526 of this Section regarding maintenance and cleaning of dressing and sanitary facilities and fixtures shall be assessed two demerits.
- (30) Violation of Rule .2512 of this Section regarding water supplies shall be assessed two demerits.
- (31) Violation of Rule .2513(a) of this Section regarding sewage disposal shall be assessed two demerits.
- (32) Violation of Rule .2526(c) of this Section regarding floors in dressing and sanitary facilities shall be assessed two demerits.
- (33) Violation of Rule .2526(c), or (d) of this Section regarding hose bibs and floor drains in dressing and sanitary facilities shall be assessed two demerits.

*History Note: Authority G.S. 130A-282;  
 Eff. May 1, 1991;  
 Amended Eff. May 1, 2010; March 1, 2004; January 1, 1996;*

*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.*

#### **15A NCAC 18A .2512 WATER SUPPLY**

- (a) The water supply serving the swimming pool and all plumbing fixtures including drinking fountains, lavatories, toilets, and showers, shall meet all requirements in 15A NCAC 18A .1700 or be an approved public water supply in accordance with 15A NCAC 18C. However, the Department may approve the use of water from natural sources, including the use of saline water, for the swimming pool.
- (b) The water distribution system serving the swimming pool and auxiliary facilities shall be protected against backflow. Water introduced into the pool, either directly or by the circulation system, shall be supplied through an air gap (American National Standards Institute A112.1.2-1979), a pipe-applied atmospheric vacuum breaker (ANSI/American Society of Sanitary Engineering No. 1001-1971), a pressure type anti-siphon vacuum breaker (ANSI/ASSE No. 1020-1976), or a reduced-pressure principle backflow preventer (ASSE No. 1013-1979, American Water Works Association No. C506-1978), which are hereby adopted by reference in accordance with G.S. 150B-14(c) or equivalent.
- (c) Whenever an over-the-rim spout is used to introduce water into the swimming pool, it shall be shielded so as not to create a hazard. The open end of the spout shall have no sharp edges, shall not protrude more than two inches (5.1 cm) beyond the edge of the pool and shall be at least two pipe diameters above the deck or pool overflow level. The over-the-rim spout shall be located under the diving board or within six inches of a ladder or handrail.

*History Note: Authority G.S. 130A-282;  
Eff. May 1, 1991;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.*

#### **15A NCAC 18A .2513 SEWAGE SYSTEMS AND OTHER WASTEWATER DISPOSAL**

- (a) Sewage shall be disposed of in a public sewer system or, in the absence of a public sewer system, by an approved, properly operating sanitary sewage system.
- (b) There shall be no direct physical connection between the sewer system and any drain from the swimming pool or circulation system. Overflow from the swimming pool, and discharges from the circulation system, when discharged to the sewer system, storm drain or other approved natural drainage course, shall be discharged through a suitable air gap so as to preclude the possibility of back flow of sewage or other waste water into the swimming pool or the swimming pool piping system. Deck drainage shall be discharged through an indirect drain.

*History Note: Authority G.S. 130A-282;  
Eff. May 1, 1991;  
Amended Eff. April 1, 1999; July 1, 1992;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.*

#### **15A NCAC 18A .2514 MATERIALS OF CONSTRUCTION**

- (a) Pools and appurtenances shall be constructed of materials which are inert, non-toxic to man, impervious and permanent, which can withstand design stresses and which can provide a water-tight tank with a smooth and cleanable surface. Use of vinyl liners is prohibited; however, liners no less than 60 mil thick may be used provided the underlying pool shell is of approved construction. If this material is used for repairs, the existing pool shall be remodeled in accordance with this Rule.
- (b) Sand or earth bottoms are prohibited in swimming pool construction.
- (c) Pool finish, including bottom and sides, shall be of white or light colored material determined visually to contrast least with a value of gray whiter than 50 percent black on an artists gray scale, or shown by reflectance testing to reflect more than 50 percent of visible light.
- (d) Pool surfaces in areas which are intended to provide footing for bathers including steps, ramps, and pool bottoms in areas with water less than three feet deep, shall be designed to provide a slip-resistant surface.

*History Note: Authority G.S. 130A-82;*

*Eff. May 1, 1991;*  
*Amended Eff. May 1, 2010;*  
*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.*

### **15A NCAC 18A .2515 DESIGN DETAILS**

- (a) Pools shall be designed and constructed to withstand all loadings for both full and empty conditions.
- (b) A hydrostatic relief valve shall be provided for in-ground swimming pools which extend more than two feet below the grade of surrounding land surface unless a gravity drainage system is provided.
- (c) Provisions shall be made for complete, continuous circulation of water through all areas of the swimming pool. Swimming pools shall have a circulation system with approved treatment, disinfection, and filtration equipment as required in the rules of this Section.
- (d) The minimum depth of water in the swimming pool shall be three feet (0.91 m) except where a minimum depth of less than three feet is needed to provide non-swimming areas such as children's activity areas and sun shelves.
- (e) The maximum depth at the shallow end of a swimming pool shall be three and a half feet (1.07 m) except for pools used for competitive swimming, diving or other uses which require water deeper than three and a half feet.
- (f) Connections for safety lines shall be recessed in the walls in a manner which presents no hazard to swimmers.
- (g) Decorative features such as planters, umbrellas, fountains and waterfalls located on pool decks shall comply with the following:
  - (1) Decorative features shall not occupy more than 20 percent of the pool perimeter;
  - (2) If located adjacent to a water depth of greater than five feet, decorative features shall not be more than 20 feet wide;
  - (3) Decorative features shall not provide handholds or footholds that could encourage climbing above deck level;
  - (4) A walkway shall be provided to permit free access around decorative features and shall be as wide as the lesser of five feet or the deck width required in Rule .2528 of this Section;
  - (5) Decorative features shall not obstruct the view of any part of the pool from any seating area; and
  - (6) Features with moving water shall be separate from the pool recirculation system.

*History Note: Authority G.S. 130A-282;*  
*Eff. May 1, 1991;*  
*Amended Eff. May 1, 2010; August 1, 2000; April 1, 1999;*  
*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.*

### **15A NCAC 18A .2516 POOL PROFILE**

- (a) The vertical walls of a public swimming pool shall not exceed 11 degrees from plumb. Corners formed by intersection of walls and floors shall be coved or radiused. Hopper bottomed pools are prohibited.
- (b) Underwater ledges or protrusions are prohibited; except that underwater stairs, sun shelves, seats and benches may be installed in areas of the pool no more than four feet deep. Underwater benches shall have a maximum seat depth of two feet from the water surface, protrude no more than 18 inches from the wall and be marked by a two inch contrasting color band on the leading edge. Underwater protrusions may provide seating at swim-up bars located in offset areas away from swim lanes. Underwater stairs may adjoin a sun shelf to deeper water provided the depth at the bottom of the stairs is no more than four feet and the stairs meet all provisions of Rule .2521 of this Section.
- (c) The slope of the bottom of any portion of any public swimming pool having a water depth of less than five feet (1.52 m) shall not be more than one foot vertical change in 10 feet (10 cm in one meter) of horizontal distance and the slope shall be uniform.
- (d) In portions of pools with water depths greater than five feet (1.52 m), the slope of the bottom shall not be more than one foot vertical in three feet (33.3 cm in one meter) of horizontal distance.
- (e) Design of diving areas shall be in accordance with Tables 1A and 1B of Rule .2517 of this Section.
- (f) Fountains installed in public swimming pools shall be approved prior to installation and shall comply with the following:
  - (1) Fountains shall not be installed in an area with a water depth exceeding 18 inches;
  - (2) Fountains shall be recommended by the manufacturer for use in a public swimming pool;
  - (3) Fountains shall be installed in accordance with the manufacturer's instructions;
  - (4) Fountains shall be separate from the pool water recirculation system; and

- (5) Fountains shall not release water at a velocity greater than 10 feet per second.

*History Note: Authority G.S. 130A-82; Eff. May 1, 1991; Amended Eff. May 1, 2010; February 1, 2004; January 1, 1996; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.*

**15A NCAC 18A .2517 DIVING EQUIPMENT**

- (a) When diving equipment is installed in a public swimming pool, it shall be located in the diving area of the pool so as to provide the minimum dimensions as shown in Tables 1A and 1B of this Rule and shall conform to the following specifications:
  - (1) Diving equipment shall be designed for swimming pool use and shall be installed in accordance with the manufacturer's recommendations.
  - (2) Installation instructions and specifications shall be provided with each unit.
  - (3) A label shall be permanently affixed to the diving equipment and shall include:
    - (A) manufacturer's name and address;
    - (B) board length;
    - (C) type of diving board;
    - (D) fulcrum setting specifications if applicable.
  - (4) Diving equipment shall have slip-resistant tread surfaces.
- (b) Supports, platforms, and steps for diving equipment shall be of sufficient strength to carry safely the maximum anticipated loads. Steps shall be of corrosion-resistant design. Handrails shall be provided at all steps and ladders leading to diving boards that are one meter or more above the water.
- (c) There shall be a completely unobstructed clear vertical distance of 13 feet above any diving board measured from the center of the front end of the board. This area shall extend horizontally at least eight feet behind, eight feet to each side, and 16 feet ahead of Point A in Table 1A.

Table 1A

| Maximum Board Length | Maximum Board Height Above Water | Board Overhang (Pt. A) |        | Minimum Water Depths |       |       |
|----------------------|----------------------------------|------------------------|--------|----------------------|-------|-------|
|                      |                                  | Max                    | Min    | D1                   | D2    | D3    |
| 12 feet              | 30 in                            | 5 feet                 | 4 feet | 8'0"                 | 9'0"  | 8'3"  |
| 16 feet              | 1 meter                          | 6 feet                 | 5 feet | 8'6"                 | 10'0" | 8'6"  |
| 16 feet              | 3 meters                         | 6 feet                 | 5 feet | 11'6"                | 12'0" | 11'6" |

**KEY TO ABBREVIATIONS:**

Pt A is the point on the water line of the pool directly beneath the end of the diving board.  
 D1 is the depth of the water measured from the water line to the floor at the beginning of the radius connecting the end wall with the floor at the deep end of the pool.  
 D2 is the depth of the water at the deepest point in the pool.  
 D3 is the depth of the water at the point where the deep area of the pool meets the transition to the shallow area of the pool.

Table 1B

|  |                      |  |  |
|--|----------------------|--|--|
|  | Horizontal Distances |  |  |
|--|----------------------|--|--|

| Maximum Board Length | L1 | L2 | L3    | L4    | L5  | L6 | Minimum Pool Width | Minimum Separation Distances |     |
|----------------------|----|----|-------|-------|-----|----|--------------------|------------------------------|-----|
|                      |    |    |       |       |     |    |                    | F                            | G   |
| 12 feet              | 3' | 7' | 10'3" | 9'9"  | 30' | 4' | 20'                | 10'                          | 10' |
| 16 feet              | 5' | 5' | 11'6" | 10'6" | 32' | 4' | 24'                | 12'                          | 10' |
| 16 feet              | 5' | 5' | 7'6"  | 19'6" | 37' | 3' | 28'                | 14'                          | 12' |

**KEY TO ABBREVIATIONS:**

L1 is the radius of the curve connecting the side wall to the floor at the deep end of the pool.

L2 is the distance between the center of the radius connecting the end wall to the floor at the deep end of the pool and the deepest point in the pool.

L3 is the distance between the deepest point in the pool and the beginning of the transition to the shallow area of the pool.

L4 is the length of the transition zone.

L5 is the total of L1 + L2 + L3 + L4.

L6 is the length of the shallow area of the pool.

F is the distance between the side wall of the pool and the centerline of the diving board.

G is the distance between the center lines of two adjacent diving boards.

(d) Public pools with diving facilities in excess of three meters in height, or pools designed for platform diving, shall meet the Federation Internationale De Nation Amateur (FINA) guidelines that are incorporated by reference in accordance with G.S. 130B-21.6 including any subsequent amendments or additions.

(e) Starting platforms used for racing starts during competition shall be secured from use when the pool is open for general use by removal; covering; or signage and active supervision. Minimum water depth for starting platforms shall be measured at a distance of 3 feet, 3 ½ inches (1.0 meter) to 16 feet, 5 inches (5.0 meters) from the end wall. Height of starting platforms shall not exceed the following:

- (1) In pools with water depth less than 3 feet, 6 inches (1.07 meters) at the starting end, raised starting platforms shall be prohibited.
- (2) In pools with water depth 3 feet, 6 inches (1.07 meters) to less than 4 feet (1.22 meters) at the starting end, starting platforms shall be no more than 18 inches (0.46 meter) above the water surface.
- (3) In pools with a water depth of 4 feet (1.22 meters) or greater at the starting end, starting platforms shall be no more than 30 inches (0.762 meter) above the surface of the water. Starting platforms shall be constructed to be easily removed from the deck when the swimming pool is used for other than competitive purposes.

*History Note: Authority G.S. 130A-282; Eff. May 1, 1991; Amended Eff. February 1, 2004; April 1, 1999; January 1, 1996; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.*

**15A NCAC 18A .2518 CIRCULATION SYSTEM**

- (a) Pools shall be equipped with a circulation system.
- (b) The capacity of the circulation system shall be sufficient to clarify and disinfect the entire volume of swimming pool water four times in 24 hours. The system shall be operated 24 hours per day during the operating season.
- (c) The circulation piping shall be designed and installed with the necessary valves and pipes so that the flow from the swimming pool can be from main drains or the surface overflow system. The circulation piping shall be designed such the flow of water from the swimming pool can be simultaneous from the surface overflow system and the main drains. Skimmer piping constructed after May 1, 2010 shall be sized to handle the maximum flow rate for the required number of skimmers, but in no case less than 100 percent of the design flow rate. Perimeter overflow system piping constructed after May 1, 2010 shall be sized to handle 100 percent of the design flow rate. The main drain piping constructed after May 1, 2010 shall be sized to handle 100 percent of the design flow rate.
- (d) Piping shall be designed to reduce friction losses to a minimum and to carry the required quantity of water at a maximum velocity not to exceed six feet per second for suction piping and not to exceed 10 feet per second for

discharge piping except for copper pipe where the velocity shall not exceed eight feet per second. Piping shall be of non-toxic material, resistant to corrosion, and able to withstand operating pressures. If plastic pipe is used, a minimum of Schedule 40 PVC is required. Flexible pipe shall not be used except that flexible PVC hoses that meet NSF Standard 50 may be affixed to spa shells where rigid pipes do not provide the necessary angles to connect circulation components. Exposed pipes and valves shall be identified by a color code or labels.

(e) The circulation system shall include a strainer to prevent hair, lint, and other debris from reaching the pump. A spare basket shall be provided. Strainers shall be corrosion-resistant with openings not more than ¼ inch (6.4 mm) in size that provide a free flow area at least four times the cross-section area of pump suction line and are accessible for daily cleaning.

(f) A vacuum cleaning system shall be provided to remove debris and foreign material that settles to the bottom of the swimming pool. Where provided, integral vacuum ports shall be located on the pool wall at least six inches and no greater than 18 inches below the water level. Skimmer vacuums may be used in pools with two or fewer skimmers provided the skimmer basket remains in place while the vacuum is in operation. Integral vacuum cleaning systems shall be provided with valves and protective caps. Integral vacuum ports constructed after May 1, 2010 shall have self-closing caps designed to be opened with a tool.

(g) A rate-of-flow indicator, reading in liters or gallons per minute, shall be installed on the filtered water line and located so that the rate of circulation is indicated. The indicator shall be capable of measuring flows that are at least 1½ times the design flow rate, shall be accurate within 10 per cent of true flow, and shall be easy to read. The indicator shall be installed in accordance with manufacturers' specifications.

(h) A pump or pumps shall be provided with capacity to recirculate the swimming pool water four times in 24 hours, and shall be so located as to eliminate the need for priming. If the pump or pumps, or suction piping is located above the overflow level of the pool, the pump or pumps shall be self-priming. The pump or pumps shall be capable of providing a flow adequate for the backwashing of filters. Unless headloss calculations are provided by the designing engineer, pump design shall be based on an assumed total dynamic head of 65 feet of water. Pumps three horsepower or smaller shall be NSF International (NSF) listed or verified by an independent third-party testing laboratory to meet all applicable provisions of NSF/ANSI Standard 50 which is incorporated by reference including any subsequent amendments or editions. Copies may be obtained from NSF International, P.O. Box 130140, Ann Arbor, MI 48113-0140 at a cost of one hundred fifty-five dollars (\$155.00). Verification shall include testing and in-plant quality control inspections. Larger pumps for which NSF listing is not available shall be approved by the Department on a case-by-case basis.

(i) Inlets.

- (1) Inlets shall be provided and arranged to produce a uniform circulation of water and maintain a uniform disinfectant residual throughout the pool.
- (2) The number of inlets for any swimming pool shall be determined based on return water flow. There shall be at least one inlet per 20 gallons per minute of return water flow. There shall be a minimum of four inlets for any swimming pool.
- (3) Inlets shall be located so that no part of the swimming pool is more than 25 feet of horizontal distance from the nearest return inlet.
- (4) Provision shall be made to permit adjustment of the flow through each inlet, either with an adjustable orifice or provided with replaceable orifices to permit adjustments of the flows.

(j) Drains.

- (1) Public Swimming pools with suction drains shall be provided with at least two main drain outlets which are located at the deepest section of the pool and connected by "T" piping. Connecting piping shall be sized and configured such that blocking any one drain will not result in flow through the remaining drain cover/grates exceeding the cover/grate manufacturer's safe flow rating while handling 100 percent of the pump system flow. The drains shall be capable of permitting the pool to be emptied completely. Drains shall be spaced not more than 30 feet apart, and not more than 15 feet away from the side walls. Drains shall be separated by at least three feet measured from centers of the cover/grates. This shall not preclude construction of a public swimming pool without main drains where water is introduced at the bottom of the pool and removed through a surface overflow system designed to handle 100 percent of the design flow rate. Provision shall be made to completely drain pools constructed without drains. Public swimming pools constructed prior to May 1, 2010 with a single drain or multiple drains closer than three feet apart shall protect against bather entrapment with an unblockable drain or a secondary method of preventing bather entrapment in accordance with Rule .2539 of this Section.



- (2) Drain outlets shall comply with the American National Standard ASME/ANSI A112.19.8-2007 Suction Fittings for Use in Swimming Pools, Wading Pools, Spas, and Hot Tubs which is hereby incorporated by reference including any subsequent amendments, editions, and successor standards under the Virginia Graeme Baker Pool and Spa Safety Act (15 U.S.C. 8001 et seq.). Copies may be obtained from ASME, P.O. Box 2300, Fairfield, NJ 07007-2300 at a cost of fifty-three dollars (\$53.00).
- (3) Public swimming pools constructed after May 1, 2010 shall comply with ANSI/APSP -7 2006 American National Standard for Suction Entrapment Avoidance in Swimming Pools, Wading Pools, Spas, Hot Tubs and Catch Basins which is hereby incorporated by reference including any subsequent amendments and editions. Copies may be obtained from APSP, 2111 Eisenhower Avenue, Alexandria, VA 22314 at a cost of three hundred fifty dollars (\$350.00).
- (k) Surface Overflow Systems.
- (1) Swimming pools shall be provided with a surface overflow system that is an integral part of the circulation system and that consists of a built-in-place perimeter overflow system, a pre-fabricated perimeter overflow system, or recessed automatic surface skimmers.
- (2) Whenever a built-in-place perimeter overflow system or a pre-fabricated perimeter overflow system is provided, it shall be designed and installed as follows:
- (A) The system shall be capable of handling 100 percent of the circulation flow without the overflow troughs being flooded;
  - (B) A surge capacity shall be provided either in the system or by use of a surge tank; and the total surge capacity shall be at least equal to one gallon per square foot (41L per square meter) of swimming pool water surface area;
  - (C) The water level of the swimming pool shall be maintained above the level of the overflow rim of the perimeter overflows, except for the time needed to transfer all of the water that may be in the surge capacity back into the swimming pool after a period of use; provided that this transfer time shall not be greater than 20 minutes;
  - (D) When installed the tolerance of the overflow rim shall not exceed ¼ inch (6.4 mm) as measured between the highest point and the lowest point of the overflow rim;
  - (E) During quiescence, the overflow system shall be capable of providing continuously and automatically a skimming action to the water at the surface of the swimming pool;
  - (F) The overflow troughs shall be installed completely around the perimeter of the swimming pool, except at steps, recessed ladders and stairs;
  - (G) The exposed surfaces of the overflow trough shall be capable of providing a firm and safe hand-hold; and
  - (H) The overflow trough shall be cleanable and shall be of such configuration as to minimize accidental injury.
- (3) Whenever a recessed automatic surface skimmer or skimmers are installed, they shall be designed and constructed in accordance with Section 8 of NSF Standard #50 for circulation system components for swimming pools, spas, or hot tubs. Recessed automatic surface skimmers shall be installed as follows:
- (A) The flow-through rate through any one recessed automatic surface skimmer shall be between 20 gallons per minute and the maximum flow the skimmer is certified for under NSF Standard Number 50;
  - (B) There shall be at least one recessed automatic surface skimmer for each 400 square feet of water surface area of the swimming pool or fraction thereof;
  - (C) When two or more recessed automatic surface skimmers are required, they shall be so located as to minimize interference with each other and as to insure proper and complete skimming of the entire swimming pools water surface; and
  - (D) Skimmers shall not protrude into the swimming pool. Automatic surface skimmer or skimmers without a perimeter overflow system shall be installed so that the operating level of the pool is no more than nine inches below the finished deck level so that the deck can be used as a handhold.
- (l) Where flooded suction on the pump is not possible to prevent cavitation and loss of prime, skimmers shall have a device or other protection to prevent air entrainment in the suction line. The inlet to the equalizer line shall be provided with a grate.

(m) Nothing in this Section shall preclude the use of a roll-out or deck-level type of swimming pool. Such designs shall conform to the general provisions relating to surface overflow systems.

(n) Nothing in this Section shall preclude the use of a surface overflow system that combines both a perimeter overflow system and a recessed automatic surface skimmer or skimmers.

*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.*

#### **15A NCAC 18A .2519 FILTERS**

(a) All swimming pools shall be equipped with a filtration system for the purpose of clarifying the swimming pool water; said filtration system shall be an integral part of the circulation system and shall consist of one or more units of sand type filters, of diatomaceous earth type filters, or of cartridge type filters.

(b) All filter units shall be designed and constructed in accordance with Section 5 of the National Sanitation Foundation's Standard number 50 which is hereby adopted by reference in accordance with G.S. 150B-14(c), or equivalent.

(c) When a sand type filter is installed on a swimming pool, it may be either a gravity or a pressure sand type filter, and it may be either a standard-rate sand type filter which shall be designed for filtration rates not in excess of three gallons per minute per square foot (122 L per minute per square meter) of sand bed area, or a high-rate sand type filter which shall be designed for filtration rates not in excess of 15 gallons per minute per square foot (612 L per minute per square meter) of sand bed area or the flow rate indicated for commercial pools in the most recent NSF listing.

(d) When a sand type filter is installed on a swimming pool, it shall be designed and installed such that it may be backwashed at a rate recommended by the manufacturer or, in the absence of manufacturer's recommendations, at a rate not less than 15 gallons per minute per square foot (612 L per minute per square meter) of filter bed area. The backwash water shall be discharged to waste. A sight glass or other means for viewing the clarity of the backwash water shall be provided.

(e) If the sand type filter is designed to be operated in conjunction with a coagulant, a chemical feeder shall be provided for adding the coagulant ahead of the filters.

(f) When a diatomaceous earth type filter is installed on a swimming pool, it may be either a pressure or vacuum type and it may be designed to operate either with or without continuous body feed. Diatomaceous earth filters which operate with continuous body feed shall be designed for filtration rates not in excess of 2.5 gallons per minute per square foot (102 L per minute per square meter) of filter area; and diatomaceous earth filters which operate without continuous body feed shall be designed for filtration rates not in excess of two gallons per minute per square foot (82 L per minute per square meter) of filter area.

(g) When a diatomaceous earth type filter is installed on a swimming pool, it shall be designed and installed with provisions for cleaning by one or more of the following methods:

- (1) backwashing at two gallons per minute per square foot minimum;
- (2) air-bump-assist backwashing;
- (3) spray wash, (either mechanical or manual); or
- (4) agitation.

(h) The water used in cleaning a diatomaceous earth type filter shall be discharged to waste, or in a manner approved by the Department.

(i) When a cartridge type filter is installed on a swimming pool, it shall be designed for filtration rates not in excess of 0.375 gallons per minute per square foot (15 L per minute per square meter) of effective filtration area.

(j) When a cartridge type filter is installed on a swimming pool, it shall be designed and installed with provisions being provided for cleaning or replacement as recommended by the manufacturer. Two sets of filter cartridges shall be provided to facilitate the cleaning and drying of one set while the filter is operating.

(k) All filters on swimming pools shall be designed and installed so as to provide easy accessibility for cleaning, operating, maintaining, and servicing. All filter tanks shall be so positioned as to provide adequate circulation of air beneath and around all sides, when necessary, to reduce corrosion and to facilitate cleaning. Whenever filter tanks are installed in the ground (i.e. buried), provisions shall be made so that the tanks are protected against corrosion and are installed in accordance with the recommendations of the manufacturer.

(l) Filters on swimming pools shall be equipped with an approved type pressure gauge or gauges.

(m) Filters on swimming pools shall be designed and installed with all the necessary valves and piping which may be needed to drain the filters completely.

(n) All pressure filters on swimming pools shall be designed and installed with an air-relief valve or valves which shall be located at or near the high point of the filters.

*History Note:* Authority G.S. 130A-282;  
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Amended Eff. January 1, 1996;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.

#### **15A NCAC 18A .2520 CHEMICAL FEEDERS**

*History Note:* Authority G.S. 130A-282;  
Eff. May 1, 1991;  
Repealed Eff. July 1, 1992.

#### **15A NCAC 18A .2521 LADDERS, RECESSED STEPS, AND STAIRS**

(a) If the vertical distance from the bottom of the swimming pool to the deck is over two feet (0.61 m), recessed steps, stairs, or ladders shall be provided in the shallow area of all swimming pools. Recessed steps or ladders shall be provided at the deep portion of all pools; and, if the swimming pool is over 30 feet (9.14 m) wide, such recessed steps or ladders shall be installed on each side near the deep end. A stairway, ladder or set of recessed steps shall be provided every 75 feet along the shallow area perimeter. Where stairs are provided in the shallow area of the pool, one ladder may be deleted in the shallow area for each stairway provided.

(b) Pool Stairs - The design and construction of pool ladders and stairs shall conform to the following:

- (1) Stair treads shall have a minimum unobstructed horizontal depth of 10 inches, a maximum horizontal depth of 36 inches, and a minimum unobstructed surface area of 240 square inches.
- (2) Risers at the centerline of the treads shall have a maximum height of 12 inches and shall be within one inch of a uniform height with the bottom riser height allowed to vary plus or minus two inches from the uniform riser height.
- (3) Each set of stairs shall be provided with at least one handrail to serve all treads and risers. For stairs wider than 20 feet, additional handrails shall be provided and spaced no more than 10 feet from adjacent handrails or stair ends.
  - (A) Handrails, if removable, shall be installed in such a way than they cannot be removed without the use of tools.
  - (B) The leading edge of handrails facilitating stairs and pool entry/exit shall be no more than 18 inches horizontally from the vertical plane of the bottom riser.
  - (C) The outside diameter of handrails shall be between one inch and one and nine-tenths inches.
- (4) The leading edge of stair treads shall be marked with a contrasting color band or line at least two inches (5 cm) wide visible from above the stairs. Use of contrasting color tiles installed in the stair tread is acceptable provided the tiles are spaced no more than one inch (2.5 cm) from the edge of the tread or from adjacent tiles.
- (5) Swimming pool ladders shall be corrosion-resistant and shall be equipped with slip-resistant treads. All ladders shall be designed to provide a handhold and shall be installed rigidly. There shall be a clearance of not more than six inches (15.3 cm), nor less than three inches (7.6 cm), between any ladder and the swimming pool wall. If the steps are inserted in the walls or if step holes are provided, they shall be of such design that they may be cleaned easily and shall be arranged to drain into the swimming pool to prevent the accumulation of dirt thereon. Step holes shall have a minimum tread of five inches (12.7 cm) and a minimum width of 14 inches (35.6 cm).
- (6) When step holes or ladders are provided within the swimming pool, there shall be a handrail at each side.

*History Note:* Authority G.S. 130A-282;  
Eff. May 1, 1991;  
Amended Eff. May 1, 2010; January 1, 1996;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.

**15A NCAC 18A .2522 DECKS**

- (a) Outdoor swimming pools shall have a continuous deck extending completely around the swimming pool. The width of the deck or walkway shall provide at least six feet of clear walking space at all points. If the swimming area of the pool is 1600 square feet or larger, at least eight feet of clear walking space is required.
- (b) Indoor swimming pools shall have a continuous deck or walkway extending completely around the swimming pool. The width of the deck shall provide at least five feet of clear walking space at all points. Structures covering swimming pools, including temporary domes, shall be constructed to maintain a vertical clearance of at least seven feet from all parts of the required clear walk space.
- (c) Wading pools shall have a continuous deck extending completely around the wading pool. The width of the deck or walkway shall provide at least four feet of clear walking space at all points.
- (d) Spas shall have a continuous deck extending at least one-half way around the spa. The width of the deck or walkway shall provide at least four feet of clear walking space at all points.
- (e) There shall be at least five feet of clear walking space around any diving board, handrail, slide or other permanent structure installed on a swimming pool deck.
- (f) All deck areas and walkways shall be sloped at a grade of one-fourth inch to one-half inch per foot to a deck drain or sheet drain to deck edge. Deck drains shall not be connected to the circulation system in any manner.
- (g) All decks and walkways shall have a slip-resistant, impervious surface.
- (h) Sufficient hose bibs shall be provided to allow all areas of the deck to be reached with a 100 foot hose.
- (i) Special purpose pools such as waterslides and wave pools may vary from the minimum deck area requirements to the extent necessary to accommodate the special features of the pool.
- (j) Structures necessary to provide access to a public swimming pool by persons with disabilities shall be allowed to vary from the provisions of this Section to the extent necessary to accommodate such access. Such structures shall be approved on a case-by-case basis and shall be designed so as to minimize obstruction of the deck.
- (k) For all swimming pools constructed after April 1, 2000 decks shall be continuous with the top of the pool wall or gutter and shall not be more than nine inches above the standard operating water level.

*History Note: Authority G.S. 130A-282;  
Eff. May 1, 1991;  
Amended Eff. February 1, 2004; April 1, 1999; January 1, 1996; July 1, 1992;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.*

**15A NCAC 18A .2523 DEPTH MARKINGS AND SAFETY ROPES**

- (a) On swimming pools the depth of the water shall be marked at or above the water surface on the vertical wall of the swimming pool where possible and on the edge of the deck next to the swimming pool. Where depth markers cannot be placed on the vertical walls at or above the water level, other means shall be used; provided the markings shall be visible to persons in the swimming pool. Depth markers shall be placed at the following locations:
- (1) at the points of maximum and minimum depths;
  - (2) at the transition point where the slope of the bottom changes from the uniform slope of the shallow area;
  - (3) if the pool is designed for diving, at points to denote the water depths in the diving area; and
  - (4) at both ends of the pool.
- (b) Depth markers shall be so spaced that the distance between adjacent markers is not greater than 25 feet (7.5 m) when measured along the perimeter of the pool.
- (c) Depth markers shall be in Arabic numerals at least four inches (10 cm) high and of a color contrasting with the background. Depth markings shall indicate the depth of the pool in feet of water and shall include the word "feet" or symbol "ft" to indicate the unit of measurement. Depth markings installed in pool decks shall provide a slip resistant walking surface.
- (d) "No Diving" markers shall be provided on the pool deck adjacent to all areas of the pool less than five feet deep. "No Diving" markers shall consist of the words "No Diving" in letters at least four inches high and of a color contrasting with the background or at least a six-by-six inch international symbol for no diving in red and black on a white background. The distance between adjacent markers shall not be more than 25 feet. Posting of "No Diving" markers shall not preclude shallow diving for racing starts and competitive swimming practice.
- (e) A minimum of  $\frac{3}{4}$  inch diameter safety rope shall be provided at the breakpoint where the slope of the bottom changes to exceed a 1 to 10 vertical rise to horizontal distance at a water depth of five feet (1.5 m) or less. The position of the rope shall be marked with colored floats at not greater than a five-foot spacing and a minimum two inch wide

contrasting color band across the pool bottom. Float ropes shall be positioned within two feet on the shallow side of the breakpoint marker.

*History Note: Authority G.S. 130A-282;  
Eff. May 1, 1991;  
Amended Eff. May 1, 2010; February 1, 2004; January 1, 1996; July 1, 1992;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.*

#### **15A NCAC 18A .2524 LIGHTING AND VENTILATION**

- (a) Artificial lighting shall be provided at all pools that are to be used at night, or when natural lighting is insufficient to provide visibility in the pool area.
- (b) Lighting fixtures shall be of such number and design as to illuminate all parts of the pool, the water, the depth markers, signs, entrances, restrooms, safety equipment and the required deck area and walkways.
- (c) Fixtures shall be installed so as not to create hazards such as burning, electrical shock, mechanical injury, or temporary blinding by glare to the bathers, and so that lifeguards, when provided, can see every part of the pool area without being blinded by glare. The illumination shall be sufficient so that the floor of the pool can be seen at all times the pool is in use.
- (d) If underwater lighting is used, it shall provide at least 0.5 watts or 8.35 lumens per square foot of water surface and deck lighting shall provide not less than 10 foot candles of light measured at 6 inches above the deck surface.
- (e) Where underwater lighting is not used, and night swimming is permitted, area and pool lighting combined shall provide not less than 10 foot candles of light to all parts of the pool and required deck area.
- (f) Mechanical ventilation is required for all indoor pools.

*History Note: Authority G.S. 130A-282;  
Eff. May 1, 1991;  
Amended Eff. May 1, 2010; February 1, 2004; January 1, 1996; July 1, 1992;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.*

#### **15A NCAC 18A .2525 HEATER AND TEMPERATURE REQUIREMENTS**

- (a) Pool heaters shall be designed for the purpose intended.
- (b) Heaters shall be equipped with thermostatic controls capable of assuring that the maximum operating temperature of spa water does not exceed 104 degrees Fahrenheit (40 degrees C), and that the maximum operating temperature of other heated public swimming pools does not exceed 90 degrees Fahrenheit (32 degrees C). Such controls shall be accessible only to the operator.

*History Note: Authority G.S. 130A-282;  
Eff. May 1, 1991;  
Amended Eff. February 1, 2004; August 1, 1991;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.*

#### **15A NCAC 18A .2526 DRESSING AND SANITARY FACILITIES**

- (a) Dressing and sanitary facilities shall be provided at all pools, except for pools at hotels, motels, condominiums, and apartments where pool use is restricted to residents or guests. At hotels, motels, condominiums and apartments where the farthest unit is more than 300 feet from the pool, as measured along walkways provided for access by residents or guests to the pool area, a toilet and lavatory shall be provided. All public swimming pools shall post a sign visible upon entering the pool enclosure directing pool users to shower before entering the pool.
- (b) Partitions shall be of material, not subject to damage by water and shall be designed so that a waterway is provided between partitions and floor to permit thorough cleaning of the walls and floor areas with hoses and brooms.
- (c) Dressing facility floors shall be continuous throughout the areas. Floors shall have a slip-resistant surface that shall be smooth, to insure complete cleaning. Floor drains shall be provided, and floors shall be sloped not less than ¼ inch per foot toward the drains to insure positive drainage.
- (d) Hose bibs shall be provided such that all parts of the dressing facility interior can be reached with a 50 foot hose.

- (e) The minimum number of fixtures required in dressing and sanitary facilities shall be based upon the maximum bather load.
- (f) One water closet, one lavatory, and one urinal shall be provided for the first 100 male users. One additional water closet, lavatory, and urinal shall be provided for each additional 200 male users up to a total of 500 users. Where user load exceeds 500 male users, two additional water closets or urinals and one lavatory shall be provided for each additional 250 male users. Where the maximum bather load includes less than 50 male users, one water closet and one lavatory will be sufficient.
- (g) Two water closets and two lavatories shall be provided for the first 100 female users. One additional water closet and lavatory shall be provided for each additional 100 female users up to a total of 500 users. Where user load exceeds 500 female users, two additional water closets and one lavatory shall be provided for each additional 250 female users. Where the maximum bather load includes less than 50 female users, one water closet and one lavatory will be sufficient.
- (h) Showers shall be provided in the proportion of one for each 200 persons at the time of maximum bather load.
- (i) The water heater shall be inaccessible to users. The system shall be designed such that water temperature at the shower heads and lavatories cannot exceed 110° Fahrenheit.
- (j) Soap dispensers with either liquid or powdered soap shall be provided at each lavatory or required shower. The dispenser shall be of all metal or plastic type, with no glass permitted in these units.
- (k) If mirrors are provided, they shall be of shatterproof materials.
- (l) Toilet paper holders with toilet paper shall be provided at each water closet.
- (m) Dressing and sanitary facilities shall be kept clean and in good repair.

*History Note:* Authority G.S. 130A-282;  
Eff. May 1, 1991;  
Amended Eff. February 1, 2004; April 1, 1999; January 1, 1996; July 1, 1992;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.

#### **15A NCAC 18A .2527 SWIMMING POOL SLIDES**

All swimming pool slides installed at a public swimming pool shall be labeled by the manufacturer for use in public pools, and shall be installed in accordance with manufacturer's instructions.

*History Note:* Authority G.S. 130A-282;  
Eff. May 1, 1991;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.

#### **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.
- (c) Public swimming pools permitted prior to April 1, 2010 with existing fences that do not comply with the dimensional requirements of Subparagraphs (a)(1) through (a)(6) and (b)(1) through (b)(2) shall not be denied an operation permit solely due to the preexisting non-compliance. Operation permits shall be denied to an owner or operator who fails to comply with Subparagraphs (a)(1) through (a)(6) and (b)(1) through (b)(2) of this Rule when:
- (1) at least fifty percent (50%) of the fence has been damaged or destroyed; or
  - (2) the owner or operator elects to replace the fence.

*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;  
Temporary Amendment Eff. November 30, 2011;  
Amended Eff. October 1, 2012;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.*

### **15A NCAC 18A .2529 USER LOADING**

In determining the maximum number of persons allowed in the pool at any one time, the following criteria shall govern:

- (1) Fifteen square feet (1.39 sq m) of water surface area per person shall be provided in areas of the pool five feet (1.52 m) deep or less.
- (2) Twenty-four square feet (2.23 sq m) of water surface area per person shall be provided in areas of the pool greater than five feet (1.52 m) deep. Three hundred square feet (27.87 sq m) of pool area around each diving board or platform, where provided, shall not be included in computing this area for the purpose of determining maximum bather load.
- (3) Ten square feet (0.9 sq m) of water surface area per person shall be provided in spas.
- (4) Twenty-five square feet of splash zone area per person shall be provided at interactive play attractions.

*History Note: Authority G.S. 130A-282;  
Eff. May 1, 1991;  
Amended Eff. March 1, 2004; January 1, 1996;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.*

### **15A NCAC 18A .2530 SAFETY PROVISIONS**

(a) Swimming pools shall have lifesaving equipment conspicuously and conveniently on hand at all times. A unit of lifesaving equipment shall include the following:

- (1) A pole not less than 12 feet long, with a body hook securely attached. The pole attached to the body hook shall be non-telescoping, non-adjustable and non-collapsible.
- (2) A minimum ¼ inch diameter throwing rope as long as one and one-half times the maximum width of the pool or 50 feet, whichever is less, attached to a U.S. Coast Guard approved ring buoy. A rescue tube or rescue can shall be accepted as a substitute for the ring buoy where it is accompanied by a lifeguard who has been trained to use it properly.

(b) Two units of lifesaving equipment must be provided for any pool that exceeds 3,000 square feet (186 sq m) of total surface area.

(c) When a swimming pool does not have at least one lifeguard on duty, a sign shall be posted with legible letters of at least four inches (10 cm) in height stating: "WARNING-NO LIFEGUARD ON DUTY." In addition there shall be signs legible from all bather entrances with a minimum letter size of one inch stating: "CHILDREN SHOULD NOT USE THE SWIMMING POOL WITHOUT ADULT SUPERVISION", and: "ADULTS SHOULD NOT SWIM ALONE". Wading pools that do not have a lifeguard inside the wading pool enclosure shall have a sign posted stating "WARNING NO LIFEGUARD ON DUTY". Such signs shall be mounted permanently.

(d) A sign prohibiting pets and glass containers in the pool area shall be provided.

(e) Pool closed signs shall be provided and shall be posted at bather entrances whenever an operation permit is suspended for water quality or safety violations.

(f) A telephone capable of directly dialing 911 or other emergency notification system shall be provided and accessible to all pool users. Effective April 1, 2005 the telephone shall be permanently affixed to a location inside the pool enclosure or outside the enclosure within 75 feet of a bather entrance. The telephone shall be visible from within the pool enclosure or a sign shall be posted indicating the location of the emergency telephone. A sign with legible letters shall be posted at the telephone providing dialing instructions, address of the pool location and the telephone number. Where the telephone does not directly access 911, the emergency notification system shall:

- (1) Provide 24 hour monitoring of all incoming calls by a telecommunicator who answers only emergency calls;
- (2) Be capable of routing calls to the local 911 telecommunicator via the 911 dedicated emergency trunk line; and
- (3) Electronically transfer Automatic Number Identification and Automatic Locator Identification for the emergency telephone at the pool to the Enhanced 911 system for all calls routed to 911.

*History Note: Authority G.S. 130A-282;  
Eff. May 1, 1991;  
Amended Eff. February 1, 2004; April 1, 1999; January 1, 1996; July 1, 1992;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.*

### **15A NCAC 18A .2531 WADING POOLS**

(a) Wading pools shall meet all design specifications for swimming pools and wading pools included in Rules .2512 through .2530 of this Section with the following exceptions:

- (1) Wading pools shall be physically separate from other public swimming pools except that a fill pipe and valve from a swimming pool recirculation system may be used to introduce water to a wading pool.
- (2) Every wading pool shall be equipped with a circulation system that is separate from, and independent of, the circulation system of the swimming pool. Such circulation system shall at least consist of a circulating pump, piping, a filter, a rate-of-flow meter, a disinfectant feeder, two inlets,



and one automatic surface skimmer. Individual components of a wading pool system must meet the criteria of Rule .2518 of this Section.

- (3) The capacity of the circulation system shall be capable of filtering and disinfecting the entire volume of water in the wading pool 12 times in every 24 hours.
  - (4) Wading pools shall be equipped with a surface overflow system capable of removing floating material.
  - (5) Wading pools shall be no deeper than 24 inches (61 cm) at the deepest point.
  - (6) Wading pools' floor slope shall not exceed one foot in 12 feet.
  - (7) Wading pools shall be located in the vicinity of the shallow end of the swimming pool, and shall be separated from the swimming pool by a fence or structure similar to that described in Rule .2528 of this Section, that shall be equipped with self-closing and positive self-latching closure mechanisms, and shall be equipped with permanent locking devices. Wading pool entrance gates located inside another public swimming pool enclosure shall open away from the deeper pool. Wading pool fences constructed after April 1, 2000 shall be at least four feet high.
  - (8) Wading pools shall be designed to provide at least 10 square feet per child.
  - (9) Depth markers are not required at wading pools.
  - (10) The free chlorine residual in wading pools shall be maintained at no less than two parts per million.
  - (11) Wading pools are not required to provide the lifesaving equipment described in Rule .2530(a) of this Section.
- (b) Children's activity pools shall be constructed and operated in accordance with the rules of this Section including the requirements for wading pools with the following exceptions:
- (1) The filter circulation system shall be separate from any feature pump circulation system.
  - (2) The filter circulation system for stand-alone children's activity pools shall filter and return the entire water capacity in no more than one hour and shall operate 24 hours a day.
  - (3) The disinfectant residual in children's activity pools shall be maintained at a level of at least two parts per million of free chlorine measured in the pool water and at least one part per million in all water features.
  - (4) Valves shall be provided to control water flow to the features in accordance with the manufacturers' specifications.
  - (5) Children's activity pools built prior to February 1, 2004 that do not comply with this Paragraph may operate as built if no water quality or safety violations occur.

*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;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.*

#### **15A NCAC 18A .2532 SPAS AND HOT TUBS**

Spas and hot tubs shall meet all design specifications for swimming pools and wading pools included in Rules .2512 through .2530 of this Section with the following exceptions:

- (1) The circulation system equipment shall provide a turnover rate for the entire water capacity at least once every 30 minutes.
- (2) The arrangement of water inlets and outlets shall produce a uniform circulation of water so as to maintain a uniform disinfectant residual throughout the spa.
- (3) A minimum of two inlets shall be provided with inlets added as necessary to maintain required flowrate.
- (4) Water outlets shall be designed so that each pumping system in the spa (filter systems or booster systems if so equipped) provides the following:

- (a) Where drains are provided, drains shall be unblockable or shall consist of two or more drains connected by a "T" pipe. Connecting piping shall be of the same diameter as the main drain outlet. Filter system drains shall be capable of emptying the spa completely. In spas constructed after April 1, 2000 drains shall be installed at least three feet apart or located on two different planes of the pool structure.
- (b) Filtration systems shall provide at least one surface skimmer per 100 square feet, or fraction thereof of surface area.
- (5) The water velocity in spa or hot tub discharge piping shall not exceed 10 feet per second (3.05 meters per second); except for copper pipe where water velocity shall not exceed eight feet per second (2.44 meters per second). Suction water velocity in any piping shall not exceed six feet per second (1.83 meters per second).
- (6) Spa recirculation systems shall be separate from companion swimming pools.
  - (a) Where a two-pump system is used, one pump shall provide the required turnover rate, filtration and disinfection for the spa water. The other pump shall provide water or air for hydrotherapy turbulence without interfering with the operation of the recirculation system. The timer switch shall activate only the hydrotherapy pump.
  - (b) Where a single two-speed pump is used, the pump shall be designed and installed to provide the required turnover rate for filtration and disinfection of the spa water at all times without exceeding the maximum filtration rates specified in Rule .2519 of this Section. The timer switch shall activate only the hydrotherapy portion of the pump.
  - (c) Where a single one-speed pump is used, a timer switch shall not be provided.
- (7) A timer switch shall be provided for the hydrotherapy turbulence system with a maximum of 15 minutes on the timer. The switch shall be placed such that a bather must leave the spa to reach the switch.
- (8) The maximum operational water depth shall be four feet (1.22 m) measured from the water line.
- (9) The maximum depth of any seat or sitting bench shall be two feet (61 centimeters) measured from the waterline.
- (10) A minimum height between the top of the spa/hot tub rim and the ceiling shall be seven and a half feet.
- (11) Depth markers are not required at spas.
- (12) Steps, step-seats, ladders or recessed treads shall be provided where spa and hot tub depths are greater than 24 inches (61 centimeters).
- (13) Contrasting color bands or lines shall be used to indicate the leading edge of step treads, seats, and benches.
- (14) A spa or hot tub shall be equipped with at least one handrail (or ladder equivalent) for each 50 feet (15.2 meters) of perimeter, or portion thereof, to designate points of entry and exit.
- (15) Where water temperature exceeds 90 degrees Fahrenheit (32 degrees Celsius), a caution sign shall be mounted adjacent to the entrance to the spa or hot tub. It shall contain the following warnings in letters at least ½ inch in height:
  - CAUTION:
  - Pregnant women; elderly persons, and persons suffering from heart disease, diabetes, or high or low blood pressure should not enter the spa/hot tub without prior medical consultation and permission from their doctor;
  - Do not use the spa/hot tub while under the influence of alcohol, tranquilizers, or other drugs that cause drowsiness or that raise or lower blood pressure;
  - Do not use alone;
  - Unsupervised use by children is prohibited;
  - Enter and exit slowly;
  - Observe reasonable time limits (that is, 10-15 minutes), then leave the water and cool down before returning for another brief stay;
  - Long exposure may result in nausea, dizziness, or fainting;
  - Keep all breakable objects out of the area.
- (16) Spas shall meet the emergency telephone and signage requirements for swimming pools in Rule .2530(f).
- (17) A sign shall be posted requiring a shower for each user prior to entering the spa or hot tub and prohibiting oils, body lotion, and minerals in the water.

- (18) Spas are not required to provide the lifesaving equipment described in Rule .2530(a) of this Section.  
 (19) In spas less than four feet deep, the slope of the pool wall may exceed 11 degrees from plumb, but shall not exceed 15 degrees from plumb.

*History Note: Authority G.S. 130A-282;  
 Eff. May 1, 1991;  
 Amended Eff. May 1, 2010; January 1, 2006; July 1, 2004; February 1, 2004; April 1, 1999; January 1, 1996; July 1, 1992;  
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.*

#### **15A NCAC 18A .2533 EQUIPMENT ROOM**

- (a) All pumps, chemical feeding apparatus and other mechanical and electrical equipment shall be enclosed in a weatherproof structure with a minimum ceiling height of seven feet. The equipment room shall be provided with a door with a permanent lock that must be kept locked when not in use by the pool operator. Filters located outside the equipment room shall be completely enclosed by a fence.  
 (b) Lighting to allow the operator to read all gauges and control devices shall be provided.  
 (c) Valves and control devices shall be accessible and visible to the pool operator. At least three feet of clear walkway shall be provided to allow access to equipment.  
 (d) Drainage in and around the equipment room shall preclude the possibility of water entering or accumulating on any interior surface of the enclosure. Equipment room floors shall be sloped not less than ¼ inch per foot toward the drains.  
 (e) Natural cross draft or continuous forced ventilation is required.  
 (f) A permanent means of access shall be provided to all equipment rooms.  
 (g) A hose bib with an approved backflow prevention device shall be provided within 50 feet of the equipment room.

*History Note: Authority G.S. 130A-282;  
 Eff. May 1, 1991;  
 Amended Eff. February 1, 2004; January 1, 1996;  
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.*

#### **15A NCAC 18A .2534 CHEMICAL STORAGE ROOM**

A separate chemical storage room that meets the following criteria shall be provided:

- (1) The chemical storage room shall be in a dry, weatherproof structure with a minimum ceiling height of seven feet.
- (2) For public swimming pools built after May 1, 1996, chemical storage space shall be provided based on a minimum of five square feet for the first 10,000 gallons of pool water plus one additional square foot for each additional 3,000 gallons or portion thereof up to a total area of 100 square feet. Public swimming pools constructed after April 1, 2004 shall provide a separate room for storage of pool chemicals.
- (3) Natural cross draft or continuous forced ventilation is required.
- (4) Provision shall be made for dry storage of all pool chemicals in waterproof containers or above the floor on shelves, pallets or dollies.
- (5) The chemical storage room shall be arranged so that chemicals which can react with other pool chemicals are stored separately and shall be constructed and arranged to permit easy cleanup of chemical spills.
- (6) Lighting shall be provided in chemical storage rooms.

*History Note: Authority G.S. 130A-282;  
 Eff. May 1, 1991;  
 Amended Eff. February 1, 2004; January 1, 1996;  
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.*

#### **15A NCAC 18A .2535 WATER QUALITY STANDARDS**

Whenever a public swimming pool is open for use, water quality shall be maintained in accordance with the following:

- (1) The chemical quality of the water shall be maintained in an alkaline condition at all times with the pH between 7.2 and 7.8.
- (2) The clarity of the water shall be maintained such that the main drain grate is visible from the pool deck at all times.
- (3) Disinfection shall be provided in accordance with manufacturers' instructions for all pools by a chemical or other process that meets the criteria listed as follows:
  - (a) registered with the U.S. Environmental Protection Agency for pool water or potable water;
  - (b) provides a residual effect in the pool water that can be measured by portable field test equipment;
  - (c) will not impart any immediate or cumulative adverse physiological effects to pool bathers when used as directed;
  - (d) will not produce any safety hazard when stored or used as directed;
  - (e) will not damage pool components or equipment; and
  - (f) will demonstrate reduction of total coliform and fecal coliform to a level at least equivalent to free chlorine at a level of one part per million in the same body of water.
- (4) When chlorine is used as the disinfectant, a free chlorine residual of at least one part per million (ppm) shall be maintained throughout the pool whenever it is open or in use. Pools that use chlorine as the disinfectant must be stabilized with cyanuric acid except at indoor pools or where it can be shown that cyanuric acid is not necessary to maintain a stable free chlorine residual. The cyanuric acid level shall not exceed 100 parts per million.
- (5) When bromine or compounds of bromine are used as the disinfectant, a free bromine residual of at least two parts per million, shall be maintained throughout the pool whenever it is open or in use.
- (6) When chlorine or bromine are used as the disinfectant, automatic chemical feeders shall be used. Automatic chlorine or bromine feeders shall be manufactured and installed in accordance with NSF/ANSI Standard number 50. Automatic chlorine and bromine feeder pumps shall be automatically prevented from operating when the circulation pump is not in operation.
- (7) When biguanide is used as the disinfectant, a residual of 30 to 50 parts per million shall be maintained throughout the pool whenever it is open or in use.
- (8) When silver/copper ion systems are used, the copper concentration in the pool water shall not exceed one part per million and a chlorine residual must be maintained in accordance with Item (4) of this Rule.
- (9) The use of chlorine in its elemental (gaseous) form for disinfection of public swimming pools is prohibited.
- (10) Test kits or equipment capable of measuring disinfectant level, pH, and total alkalinity must be maintained at all public swimming pools. Pools using cyanuric acid or chlorinated isocyanurates must have a test kit capable of measuring cyanuric acid levels.
- (11) The pool operator shall inspect the pool at least daily and maintain written records of the operating conditions of each pool. Records shall be maintained at the pool site for a period of not less than six months. Records shall include the following:
  - (a) daily recording of the disinfectant residual in the pool;
  - (b) daily recording of pool water pH;
  - (c) daily recording of water temperature in heated pools; recording of activities pertaining to pool water maintenance including chemical additions and filter backwash cycles;
  - (d) weekly recording of total alkalinity and cyanuric acid levels; and
  - (e) daily recording of pool drain cover/grate inspection.
- (12) Water temperature in heated swimming pools shall not exceed 90 degrees Fahrenheit (32 degrees Celsius) and in heated spas shall not exceed 104 degrees Fahrenheit (40 degrees Celsius).
- (13) The pool operator shall take the following steps to manage fecal and vomitus accidents:
  - (a) Direct everyone to leave all pools into which water containing the feces or vomit is circulated and do not allow anyone to enter the pool(s) until decontamination is completed;
  - (b) Remove as much of the feces or vomit as possible using a net or scoop and dispose of it in a sewage treatment and disposal system;
  - (c) Raise the free available chlorine concentration to two ppm at a pH of 7.2 to 7.5 and test to assure the chlorine concentration is mixed throughout the pool; and

- (d) For accidents involving formed stools or vomit, maintain the free available chlorine concentration at two ppm for at least 25 minutes or at three ppm for at least 19 minutes before reopening the pool. For accidents involving liquid stools increase the free chlorine residual and closure time to reach a CT inactivation value of 15,300 then backwash the pool filter before reopening the pool. CT refers to concentration (C) of free available chlorine in parts per million multiplied by time (T) in minutes.

*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;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.

#### **15A NCAC 18A .2536 REVOCATION OF PERMITS**

The Department may suspend or revoke permits in accordance with G.S. 130A-23.

*History Note:* Authority G.S. 130A-282;  
Eff. May 1, 1991;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.

#### **15A NCAC 18A .2537 MAINTENANCE AND OPERATION**

(a) All public swimming pools constructed or remodeled on or after May 1, 1991 shall be maintained and operated in accordance with the Rules of this Section.

(b) On or after May 1, 1993 all public swimming pools including those constructed prior to May 1, 1991 shall be maintained and operated in accordance with the following:

- (1) All safety provisions of Rule .2530 of this Section shall be met.
- (2) Decks shall be structurally sound and shall be maintained free of trip hazards or offsets greater than one-half inch resulting from deterioration or changes from the original deck profile.
- (3) There shall be no loose coping.
- (4) Artificial lighting shall be provided for all pools used when natural lighting is not sufficient to make all parts of the pool and pool area clearly visible.
- (5) Swimming pools shall be protected by a fence, wall, building, or other enclosure, or any combination thereof, that completely encloses the swimming pool area. All gates and doors shall be equipped with self-closing and positive self-latching closure mechanisms. Existing waterslide flumes and other appurtenances are not required to be located inside the fence.
- (6) Depth and safety markings shall be provided as required in Rule .2523 of this Section
- (7) Drain covers shall be in good condition and securely attached.
- (8) Damaged face plates or fittings shall be repaired or replaced.
- (9) Underwater light niches shall be maintained or covered so as not to present a potential hazard to bathers.
- (10) Diving equipment and pool slides including stairs and railing shall be maintained in good working order.
- (11) A timer switch that allows no more than 15 minutes of operation without manual resetting shall be used to control air blowers and hydrotherapy pumps on heated spas.
- (12) All breaks in grade of the pool bottom including the leading edges of stair treads and seats and the tops of breakpoints where the slope of the bottom changes at a depth of five feet (15m) or less shall be marked with a contrasting color band by May 1, 2000. Contrasting color bands are not required where a registered engineer, registered architect or licensed swimming pool contractor certifies in writing that structural weakness or materials of construction prevent the installation of permanent markings.
- (13) All heated spas shall post a caution sign as specified in Rule .2532 of this Section.
- (14) Pool maintenance shall include removal of debris from the water surface and bottom of the pool.
- (15) All pool chemicals shall be stored in a clean, dry, well ventilated area and shall be organized so as to prevent chemicals from reacting.

- (16) No submersible pumps or mechanical pool cleaning equipment shall be placed or used in the pool while bathers are in the pool.
- (c) The owner of a public swimming pool shall provide for the operation of the pool by a person or persons who shall be responsible to the owner for operation, maintenance, pool safety and record keeping. The pool owner shall maintain documentation that the person responsible for operating the pool has been trained on pool equipment operation, disease and injury prevention, pool water chemistry and regulatory requirements for public swimming pools. A pool and spa operator certificate issued by the National Swimming Pool Foundation or other organization that provides training on those subjects shall be accepted as meeting this requirement.

*History Note:* Authority G.S. 130A-282;  
 Eff. July 1, 1992;  
 Temporary Amendment Eff. May 11, 1993 for a period of 180 days or until the permanent rule becomes effective, whichever is sooner.  
 The Codifier of Rules determined that the agency's findings of need did not meet the criteria listed in GS 150B-21.1(a);  
 Temporary Amendment Eff. May 1, 1993 for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;  
 Amended Eff. February 1, 2004; April 1, 1999; January 1, 1996; October 1, 1993; May 1, 1993;  
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.

#### **15A NCAC 18A .2538 FILL AND DRAW POOLS**

Fill and draw pools are prohibited. Provisions shall be made for filtration and recirculation of water in all public swimming pools, wading pools, and spas.

*History Note:* Authority G.S. 130A-282;  
 Eff. May 1, 1993;  
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.

#### **15A NCAC 18A .2539 SUCTION HAZARD REDUCTION**

- (a) At all public wading pools that use a single main drain for circulation of water, signs shall be posted stating, "WARNING: To prevent serious injury do not allow children in wading pool if drain cover is broken or missing." Signs shall be in letters at least one-half inch in height and shall be posted where they are visible to people entering the wading pool.
- (b) All submerged suction outlets other than vacuum ports shall be protected by anti-entrapment cover/grates in compliance with ASME/ANSI A112.19.8-2007 Suction Fittings for Use in Swimming Pools, Wading Pools, Spas, and Hot Tubs. All submerged suction fittings shall be installed in accordance with the manufacturer's instructions. Pumping systems that have a single main drain or single submerged suction outlet other than an unblockable drain, or which have multiple outlets separated by less than three feet measured at the centers of the cover grates shall have one or more secondary methods of preventing bather entrapment. Secondary methods of preventing bather entrapment include:
- (1) Safety vacuum release system which ceases operation of the pump, reverses the circulation flow, or otherwise provides a vacuum release at the suction outlet when a blockage has been detected, that has been tested by a third party and found to conform to ASME/ANSI standard A112.19.17 which is incorporated by reference including any subsequent amendments or editions. Copies may be obtained from ASME, P.O. Box 2300, Fairfield, NJ 07007-2300 at a cost of forty-five dollars (\$45.00);
  - (2) A suction-limiting vent system with a tamper-resistant atmospheric opening;
  - (3) A gravity drainage system that utilizes a collector tank;
  - (4) An automatic pump shut-off system;
  - (5) Drain disablement; or
  - (6) Any other system determined by the U.S. Consumer Product Safety Commission to be equally effective as, or better than the systems in Subparagraphs (1) through (5) of this Paragraph.
- (c) Prior to issuance of operation permits, owners of all public swimming pools shall provide documentation to the Department to verify suction outlet safety compliance. This documentation shall include:

- (1) Documentation of the maximum possible flow rate for each pump suction system. This shall be the maximum pump flow shown on the manufacturer's pump performance curve except where flow reductions are justified with total dynamic head measurements or calculations; and
  - (2) Documentation that cover/grates meeting ASME/ANSI A112.19.8-2007 are installed in compliance with the standard and manufacturer's instructions. This includes documentation that each cover/grate on a single or double-drain pump suction system is rated to meet or exceed the maximum pump system flow and that cover/grates on a pump suction system with three or more suction outlets are together rated to always meet or exceed the maximum pump system flow with one drain completely blocked; and
  - (3) Documentation that drain sumps meet the dimensional requirements specified in the cover/grate manufacturer's installation instructions.
- (d) Operators of all public swimming pools shall inspect pools daily to ensure the drain covers are in good condition and securely attached. Missing, broken, or cracked suction fittings shall be replaced and loose suction fittings shall be reattached before using the pool.

*History Note:* Authority G.S. 130A-282;  
 Temporary Adoption Eff. June 1, 1994 for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;  
 Eff. October 1, 1994;  
 Amended Eff. May 1, 2010; January 1, 2006; February 1, 2004; April 1, 1999;  
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.

#### **15A NCAC 18A .2540 REPORTING OF INJURY OR ILLNESS**

The pool operator shall report any death, serious injury or complaint of illness attributed by a bather to use of a public swimming pool to the local health department within two working days of the incident or complaint. The report to the health department shall include the following:

- (1) Name and telephone number or address of the person injured or making a complaint.
- (2) Date of the incident or onset of illness.
- (3) Description of the type of injury or complaint.
- (4) Name and phone number of the person rendering assistance or first aid.
- (5) The name of any known hospital, rescue squad or physician providing medical assistance.
- (6) Names and phone numbers of available witnesses to the incident.

*History Note:* Authority G.S. 130A-282;  
 Eff. January 1, 1996;  
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.

#### **15A NCAC 18A .2541 FLOW THROUGH POOLS**

Tanks or structures built prior to May 1, 1995 which hold a flowing natural water source for public swimming, diving, wading or recreational use without physical or chemical treatment shall not be required to comply with the rules of this Section.

*History Note:* Authority G.S. 130A-282;  
 Eff. January 1, 1996;  
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.

#### **15A NCAC 18A .2542 IN POOL EXERCISE EQUIPMENT**

- (a) Exercise equipment such as steps, weights, or floats used in a public swimming pool shall be designed and constructed so as not to pose a threat to water quality or bather safety and shall be removed from the pool after each use.
- (b) Where in-pool exercise equipment such as underwater treadmills remain in a swimming pool when not in use, the following conditions shall be met:

- (1) The swimming pool shall be restricted to use only by adults or a lifeguard shall be on duty at all times when children are allowed in the pool.
- (2) Exercise equipment shall meet Underwriters' Laboratories Standard Number 1647 for exercise equipment as verified in writing by an independent third party testing laboratory.
- (3) The position of underwater equipment shall be marked with colored floats attached by a 3/4 inch diameter rope or other movable barrier that surrounds the equipment with a visible perimeter designed so as not to entangle or otherwise threaten bather safety.
- (4) Equipment shall be verified by the manufacturer to be designed for use in a public swimming pool and to be free of grease or oil that might negatively impact pool water quality.
- (5) Any cords or hoses attached to underwater exercise equipment shall not pose a threat of bather entanglement. Cords or hoses which cross a pool deck shall be covered or shielded to prevent tripping. Covers that protrude more than one-half inch from the deck surface shall be sloped at an angle of no more than 30° from the horizontal deck surface.

*History Note: Authority G.S. 130A-282;  
Eff. January 1, 1996;  
Amended Eff. February 1, 2004;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.*

#### **15A NCAC 18A .2543 WATER RECREATION ATTRACTIONS**

- (a) Upon written request and approval by the Department, water recreation attractions including water slides, wave pools, rapid rides, lazy rivers, artificial swimming lagoons, and other similar features may deviate from the requirements of this Section with respect to pool profile, depth, freeboard, flow dynamics and surface skimming systems. The Department shall approve the request upon a showing that such deviation performs in a manner equally to or more protective of public health than the requirements of this Section based upon design plans and technical specifications by the designing engineer or equipment manufacturer. Water recreation attractions shall meet all other requirements of this Section.
- (b) Water slide landing pools with a capacity of less than 60,000 gallons shall have a circulation and filtration system capable of turning over the entire pool capacity every two hours. Where automatic chemical controllers are used the turnover time shall be no more than three hours. Landing pool dimensions shall be consistent with the slide manufacturer's recommendation.
- (c) When waterfalls are incorporated in water recreation attractions, they shall be constructed with no handholds or footholds to a height of four feet to discourage climbing.
- (d) Interactive play attractions shall be constructed and operated in accordance with the rules of this Section and shall comply with the following:
  - (1) The recirculation system shall contain a water capacity equal to at least three minutes of maximum flow of all feature pumps and filter circulation pumps combined and shall not be less than 1,000 gallons. Where the water capacity exceeds 10,000 gallons, the minimum capacity shall be based on the lesser of three minutes of maximum feature flow or 7.5 gallons per square foot of splash zone watershed drained to the surge container.
  - (2) Access shall be provided to the surge water container.
  - (3) A filter circulation system shall be provided and shall be separate from the feature pump system except that both systems can draw water from a common drain pipe if the drain and pipe are sized to handle the flow of all pumps without exceeding the flow velocities specified in Rule .2518 of this Section.
  - (4) The filter circulation system shall draw water from the surge container through a variable height surface skimmer and a bottom drain located no more than 6 inches from the bottom of the container.
  - (5) The filter circulation system shall filter and return the entire water capacity in no more than 30 minutes and shall operate 24 hours a day.
  - (6) Automatic chemical controllers shall be provided to monitor and adjust the disinfectant residual and pH of the water contained in the system.
  - (7) The disinfectant residual in interactive play attractions shall be maintained at a level of at least two parts per million of free chlorine. Chlorine feeders shall be capable of producing 12 parts per million of free chlorine in the filter circulation piping.



- (8) Valves shall be provided to control water flow to the features in accordance with the manufacturers' specifications.
  - (9) Splash zones shall be sloped to drains sized and located to remove all feature water to the surge tank without water accumulating on the surface.
  - (10) Deck or walkway space is not required outside the splash zone.
  - (11) Dressing and sanitary facilities shall not be required.
  - (12) Interactive play features shall not be required to have a fence except the wading pool fence requirements shall apply to interactive play features located inside a swimming pool enclosure.
  - (13) The safety provisions of Rule .2530 of this Section shall not apply except a sign shall be posted prohibiting pets and glass containers.
  - (14) Interactive play attractions built prior to April 1, 2004, that do not comply with these design and construction requirements shall be permitted to operate as built if no water quality or safety violations occur under Rules .2535 and .2537 of this Section.
- (e) Training pools shall meet the requirements for swimming pools with the following exceptions:
- (1) Training pools shall be equipped with a filter circulation system that filters and returns the entire pool capacity in no more than two hours.
  - (2) The free chlorine residual in training pools shall be maintained at no less than two parts per million.
- (f) Artificial swimming lagoons shall meet the requirements for public swimming pools except as specified in this Rule:
- (1) Pool shells shall not be required. Liners shall meet the requirements of Rule .2514 of this Section.
  - (2) Underwater components of the artificial swimming lagoon or float lines with openings greater than one-half inch shall not be allowed in swimming zones.
  - (3) All swimming zone float rope components shall be a color contrasting with the pool liner. Artificial swimming lagoons are not required to meet the float rope location requirements of Rule .2523(e) of this Section regarding breakpoint and slope. A contrasting color band shall not be required on the liner under the rope.
  - (4) Each swimming zone and water feature shall meet water quality standards as required in Rule .2535 of this Section. If the water quality of a swimming zone or water feature does not meet the requirements of Rule .2535 of this Section, the operator shall close the swimming zone or water feature and post a sign at the entrance of the swimming zone with legible letters of at least four inches (10 cm) in height stating "ATTENTION: THE SWIMMING ZONE IS CLOSED. SWIMMING IN THIS AREA IS NOT PERMITTED AT THIS TIME." The swimming zone or water feature shall remain closed until the water quality in the swimming zone or water feature complies with the requirements of Rule .2535 of this Section.
  - (5) All non-swimming zones shall be maintained so the bottom of the lagoon is visible in all areas.
  - (6) A sign shall be posted at all entrances to the artificial swimming lagoon with legible letters of at least four inches (10 cm) in height stating "NOTICE – NO SWIMMING ALLOWED OUTSIDE OF DESIGNATED SWIMMING ZONES."
  - (7) Signage shall be posted indicating swimming zones.
  - (8) Depth markings and no diving markers shall be provided on decks in swimming zones as required in Rule .2523 of this Section. Signs shall be posted at all entrances to swimming zones with legible letters of at least four inches (10cm) in height stating "NO DIVING" and stating the maximum depth of the swimming zone in Arabic numerals and shall include the word "feet" or the symbol "ft" to indicate the unit of measure.
  - (9) Decks at zero entry areas located within swimming zones are not required to meet the minimum deck area requirements in Rule .2522 of this Section. Access to swimming zones shall be provided for emergency vehicles and personnel. No decks shall be required in non-swimming zones. The requirements of Rule .2515(g)(1) of this Section shall not apply to swimming zones and Rule .2515(g) of this Section shall not apply to non-swimming zones.
  - (10) Swimming zones shall meet all safety provisions as set out in Rule .2530 of this Section. Where swimming zones are separated by more than 75 feet, each swimming zone shall separately meet all safety provisions. Non-swimming zones are exempt from the requirements in Rule .2530 of this Section.
  - (11) A water treatment system that does not meet the requirements of Rules .2518 and .2519 of this Section shall be approved by the Environmental Health Section of the Department's Division of Public Health when the treatment system performs in a manner equal or superior to the systems

- described in Rules .2518 and .2519 of this Section in terms of water clarification, disinfection, and removal of debris, and results in a disinfectant residual and pH level as required in Subparagraph (f)(4) of this Rule.
- (12) The requirements of Rule .2529 of this Section and Rule .2526(e)–(h) of this Section shall not apply. Sanitary facility requirements shall comply with the 2018 North Carolina State Building Code: Plumbing Code, which is incorporated by reference, including any subsequent amendments or editions and available free of charge at: <https://codes.iccsafe.org/content/NCPC2018>.
- (13) Bacteriological samples shall be collected by the operator in non-swimming zones and tested weekly. One sample shall be collected for every 250 feet of shoreline, with no more than 300 feet and no less than 25 feet between any two sampling locations. The samples shall be collected at least one foot below the surface, in at least three feet of water. The samples shall be analyzed by a laboratory accredited by the North Carolina Drinking Water Laboratory Certification Program, the North Carolina Wastewater/Groundwater Laboratory Certification Program, or the National Environmental Laboratory Accreditation Program. The test results shall be maintained as part of the records required in Rule .2535(11) of this Section.
- (14) When the result of any test required by Subparagraph (f)(13) of this Rule exceeds the standards in Rule .3402(a) of this Subchapter, the operator shall:
- (A) notify the local health department that permitted the artificial swimming lagoon and resample the water within 24 hours of receipt of the result from the laboratory; and
- (B) close all non-swimming zones and post a sign at all non-swimming zone entrances with legible letters of at least four inches (10 cm) in height stating "ATTENTION: ALL NON-SWIMMING ZONES ARE CLOSED. RECREATIONAL ACTIVITIES IN THIS AREA ARE NOT PERMITTED AT THIS TIME." This sign shall remain posted until resampling determines that bacterial levels do not exceed the standards in Rule .3402(a) of this Subchapter.
- (15) Non-swimming zones shall not be required to comply with the lighting requirements of Rule .2524 of this Section. When night swimming is allowed, the operator shall provide lighting in swimming zones as required for public swimming pools.
- (16) The requirements of Rule .2537(b)(16) of this Section shall not apply. Submersible pumps or mechanical pool cleaning equipment shall not be used in swimming zones or within 25 feet of swimming zones when a swimming zone is open to bathers. If submersible pumps or mechanical pool cleaning equipment are used in non-swimming zones when a non-swimming zone is open to users, the following conditions shall apply:
- (A) A registered design professional shall provide design plans or technical specifications that demonstrate that any underwater suction outlets perform in a manner that is equally protective or more protective than the Pool and Hot Tub Alliance's ANSI/APSP/ICC-7 2013 Standard for Suction Entrapment Avoidance in Swimming Pools, which is incorporated by reference, including any subsequent amendments or editions, and available for a fee of one hundred sixty-five dollars (\$165.00) at <https://www.apsp.org/store1>; and
- (B) All floating components of submersible pumps or mechanical pool cleaning equipment shall be labeled with a sign above the water line with legible letters of at least four inches (10 cm) in a contrasting color stating: "DANGER: MECHANICAL EQUIPMENT IN USE. STAY BACK 25 FEET."
- (17) The requirements of Rules .2521 and .2516(f)(1) of this Section shall not apply to non-swimming zones.

*History Note:* Authority G.S. 130A-280; 130A-282; S.L. 2011-39; S.L. 2019-88; Eff. April 1, 1999; Amended Eff. March 1, 2004; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019; Temporary Amendment Eff. December 3, 2019; Amended Eff. October 1, 2020.

**15A NCAC 18A .2544 SPECIAL PURPOSE AND THERAPY POOLS**

(a) Special purpose and therapy pools shall comply with the requirements for public swimming pools and spas except as specified in this Rule.

(b) Float tanks:

- (1) The requirement in Rule .2522 of this Section for a deck or walkway continuous with the top of the pool wall does not apply to isolation float tanks where a clear floor space of at least eight feet by four feet is provided adjacent to the entrance to the tank.
- (2) The requirement in Rule .2532 of this Section for the minimum ceiling height of 7 ½ feet above the rim of the pool does not preclude use of a canopy of a lower height to enclose an isolation float tank provided the canopy can be opened to allow users a standing entry and exit from the float tank.
- (3) The minimum lighting requirement in Rule .2524 of this Section does not apply to float tanks provided lighting is available for cleaning and is sufficient to provide visibility for entry and exit from the float tank.
- (4) The requirements in Rule .2518 of this Section that recirculation pumps operate 24 hours per day do not preclude turning off the pump during float sessions when a sanitizing cycle is provided that filters and disinfects the entire capacity of the float tank system at least twice before every user enters the pool. When the float tank is not being used, the pump shall either operate continuously or intermittently to filter and disinfect the capacity of the pool twice every hour.
- (5) The requirement in Rule .2518 of this Section that pool pumps three horsepower or smaller meet NSF/ANSI Standard 50 is not applicable when the mineral content of the brine in a float tank is incompatible with standard pool pumps. Pumps that do not meet NSF/ANSI standard 50 shall be approved by the Department when the viscosity of the mineral solution in the float tank requires a pump impeller or magnetic coupling designed to pump viscous liquids. Electrical safety of such pumps shall be verified by an independent third-party testing lab to meet applicable Underwriters Laboratories (UL) Standards.
- (6) The requirement in Rule .2532 of this Section for a caution sign at spas with a water temperature above 90 degrees Fahrenheit is not applicable to float tanks that do not exceed an operating temperature of 95 degrees Fahrenheit. Float tanks that exceed an operating temperature of 95 degrees Fahrenheit shall have a posted sign with the same warnings required for hot spas except references to spas may be reworded to reference float tanks or float spas.

(c) Swim Spas:

- (1) Irrespective of Rule .2522(k) of this Section, swim spa training pools that use jetted water for training swimmer athletes under constant supervision of a swim coach may be located above deck level. Swim spa training pools located above deck level shall be in an enclosure secured against unauthorized access or use when a swim coach is not present.
- (2) The maximum operational water depth of four feet required for spas in Rule .2532 of this Section does not apply to swim spas.
- (3) Ladders, steps or stairs required by Rule .2521 of this Section are not required for an above-ground swim spa where a handhold or handrail is provided to facilitate transfer over the pool wall.

(d) Exercise Therapy and Treadmill Pools:

- (1) The maximum operational water depth of four feet required for spas in Rule .2532 of this Section does not apply to exercise therapy and treadmill pools.
- (2) The 30 minute turnover rate required for spa recirculation systems in Rule .2532 of this Section does not apply to exercise therapy or treadmill pools with a water capacity exceeding 1,000 gallons provided that the turnover time does not exceed two hours.

(e) Scuba Training Pools:

- (1) The prohibition of underwater ledges in Rule .2516(b) of this Section does not preclude drop-off ledges to the deep-diving portion of pools designed and used for training swimmers to use self-contained underwater breathing apparatus.
- (2) Scuba pools shall comply with the requirements for swimming pools and are not required to meet the requirements for spas in Rule .2532 of this Section.

*History Note: Authority G.S. 130A-282;  
Eff. April 1, 2013;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.*

**15A NCAC 18A .2545 DISPLAY SPA AT A TEMPORARY EVENT**

A display spa at a temporary event (DSTE) shall not be required to comply with the Rules of this Section except as specified in this Rule.

- (1) A DSTE shall not operate without a permit that has been issued by the local health department that serves the county in which the temporary event is located. The duration of a permit for a DSTE shall be no more than 21 consecutive calendar days. The applicant may apply for additional permits to operate a DSTE for multiple 21-day periods at the same temporary event.
- (2) One permit application shall be submitted for each DSTE. The applicant shall submit the application for a permit at least 15 calendar days before commencing operation of a DSTE. The application form shall be submitted to the local health department that serves the county in which the temporary event is located and shall include the following information:
  - (a) applicant's name, address, and phone number;
  - (b) name of the temporary event;
  - (c) street address of the temporary event;
  - (d) proposed operating dates; and
  - (e) signature of the applicant.
- (3) A DSTE shall meet the requirements of Rule .2535 of this Section, except as follows:
  - (a) automatic chemical feeders shall not be required;
  - (b) written records shall only be required to include disinfectant concentration, pH, and the type and amount of chemicals added to the DSTE;
  - (c) disinfectant residual shall be measured every day before opening the DSTE to the public and every four hours thereafter until the DSTE is closed for the day;
  - (d) disinfectant concentrations shall be maintained at or above 3 ppm free chlorine or 4 ppm free bromine; and
  - (e) pH shall be maintained between 7.0-7.8.
- (4) A sign shall be posted on each permitted DSTE that states: "DISPLAY SPA – ONLY HANDS AND FOREARMS ALLOWED IN WATER." The text on the sign shall be at least 2 inches in height.
- (5) When the water in a DSTE does not meet the water quality standards set out in Item (3) of this Rule or is closed for the day, the DSTE shall be kept closed with a latched or locked cover that prevents the public from coming into contact with the DSTE water. The applicant shall post a sign on the DSTE that states: "SPA CLOSED." The text on the sign shall be at least 2 inches in height.
- (6) The applicant shall keep water quality records required under Sub-Item (3)(b) of this Rule on site during the temporary event and for six months after the completion of the temporary event. The applicant shall provide water quality records to the local health department that issued the DSTE permit and the Department upon request.
- (7) All pool chemicals stored on-site at the temporary event shall be stored in a water resistant, covered container in an area that is not used by the public.
- (8) When the applicant or applicant's designee is not available to supervise a DSTE, the DSTE shall be kept closed with a latched or locked cover that prevents the public from coming into contact with the DSTE water.
- (9) The permit for each DSTE shall be posted for the duration of the temporary event in a location that is visible to the public.
- (10) The applicant or the applicant's designee shall report any death, serious injury, or complaint of illness attributed to the applicant's DSTE in accordance with Rule .2540 of this Section.

*History Note:* Authority G.S. 130A-280; 130A-282;  
Eff. July 1, 2022.

