

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

H

1

HOUSE BILL 431

Short Title: Residential Pool Regulation.

(Public)

---

Sponsors: Representatives Easterling; Alexander, Colton, Devane Fitch, Holt, Luebke, Lutz, and McAllister.

---

Referred to: Health and Human Services.

---

March 17, 1993

A BILL TO BE ENTITLED

AN ACT DIRECTING THE COMMISSION FOR HEALTH SERVICES TO ADOPT  
RULES RELATING TO RESIDENTIAL SWIMMING POOL SAFETY.

The General Assembly of North Carolina enacts:

Section 1. Part 10 of Article 8 of Chapter 130A of the General Statutes reads  
as rewritten:

**"PART 10. PUBLIC SWIMMING POOLS.**

**"§ 130A-280. Scope.**

This ~~Article-Part~~ provides for the regulation of public swimming pools in the State as they may affect the public health and ~~safety~~-safety, and for the regulation of private residential swimming pools as herein defined. As used in this ~~Article~~, ~~Part~~, 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. 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. As used in this Part, the term 'private residential swimming pool' means above-ground swimming pools of a depth of four feet or more, and in-ground swimming pools, serving a single family dwelling and used only by the residents of the dwelling and their guests. This ~~Article-Part~~ also does not apply to therapeutic pools used in physical therapy programs operated by medical facilities licensed by the Department of Human

1 Resources or operated by a licensed physical therapist, nor to therapeutic chambers  
2 drained, cleaned, and refilled after each individual use.

3 **"§ 130A-281. Operation permit for public swimming pools required.**

4 No public swimming pool may be opened for use unless the owner or operator has  
5 obtained an operation permit issued by the Department pursuant to rules adopted under  
6 G.S. 130A-282.

7 **"§ 130A-282. Commission to adopt rules.**

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

- 14 (1) Submission and review of plans prior to construction.
- 15 (2) Application, review, expiration, renewal, and revocation or suspension  
16 of an operating permit.
- 17 (3) Inspection.
- 18 (4) Construction and operation including water source, water quality and  
19 testing, materials, depth and other dimensions, fencing, water  
20 treatment, chemical storage, toilet and bath facilities, measures to  
21 ensure the personal cleanliness of bathers, safety equipment and other  
22 safety measures, and sewage and other wastewater disposal.

23 (b) Private residential swimming pools: The Commission shall adopt and the  
24 Department shall enforce rules for private residential swimming pools, which rules shall  
25 include the installation of fencing around private residential swimming pools, and other  
26 rules designed to address the risks of child drownings and pool-related injuries."

27 Sec. 2. This act becomes effective October 1, 1993.