



NEW CASTLE COUNTY

DEPARTMENT OF LAND USE  
87 READS WAY, NEW CASTLE, DE 19720  
PHONE: 302-395-5400 • [WWW.NCCDELU.ORG](http://WWW.NCCDELU.ORG)

## Barrier Fence / Enclosure Requirements Swimming Pools, Hot Tubs, & Spas

REV. 1/1/2019

All New Castle County forms are available via the County website or Land Use customer service.

(From the **2018** International Swimming Pool and Spa Code as amended by New Castle County **under Chapter 6**)

### 305 BARRIER REQUIREMENTS:

**Where spas or hot tubs are equipped with a lockable safety cover complying with ASTM F1346 and swimming pools are equipped with a power safety cover that complies with ASTM F1346, the areas where these spas, hot tubs, and pools are located shall not be required to comply with the following Sections 305.2 thru 305.7 for pool barriers:**

1. The top of the barrier shall be at least 48 inches (1219 mm) above grade measured on the side of the barrier which faces away from the pool or spa. Such height shall exist around the entire perimeter of the barrier and measured 3 feet horizontally from the outside of the barrier. The maximum vertical clearance between grade surfaces such as grass or gravel and the bottom of the barrier shall be 2 inches (51 mm) (unless a mesh barrier) measured on the side of the barrier which faces away from the pool or spa. The vertical clearance between a surface below the barrier to a solid surface, such as concrete, and the bottom of the barrier shall not exceed 4 inches (102mm) (unless a mesh barrier) measured on the side of the barrier which faces away from the pool or spa. Where the top of the pool or spa structure is above grade, the barrier shall be installed on grade or shall be mounted on the top of the pool or spa. **Where the barrier is mounted on top of pool or spa, the vertical clearance between the top of the pool or spa structure and the bottom of the barrier shall not exceed 4-inches (102 mm) (unless a mesh barrier) (305.2.1)**
2. Openings in the barrier shall not allow passage of a 4-inch (102 mm) diameter sphere **(305.2.2)**
3. Solid barriers **that** do not have openings shall not contain indentations or protrusions **that form handholds or footholds**, except for normal construction tolerances and tooled masonry joints **(305.2.3)**
4. Mesh fencing, other than chain link fences in accordance with 305.2.7, shall be installed with the manufacturer's instructions and shall comply with the following: the bottom of the mesh fence shall not be more than 1 inch (25 mm) above the deck, installed surface or grade. The maximum vertical clearance from the bottom of the mesh fence and the solid surface shall not permit the fence to be lifted more than 4 inches from grade or decking. An attachment device shall attach each barrier section at a height not lower than 45 inches (1143mm) above grade. Mesh fences shall not be installed on top of onground residential pools **(305.2.4)**
5. 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** (1143 mm), the horizontal members shall be located on the pool or spa side of the fence. Spacing between vertical members shall not exceed 1¼ inches in width (44mm). Where there are decorative cutouts in vertical members, spacing within the cutouts shall not exceed 1 ¾" in width (44 mm) **(305.2.5)**
6. 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** (1143 mm), spacing between vertical members shall not exceed 4 inches (102 mm). Where there are decorative cutouts within vertical members, the **interior width** of the cutouts shall not exceed 1¼ inches (44 mm) **(305.2.6)**
7. Maximum openings formed by a chain link fences shall be a 1¼ inches unless the fence is provided with slats fastened at the top and bottom which reduce the openings to no more than 1¼ inches (44mm) **(305.2.7)**
8. Where the barrier is composed of diagonal members, the maximum opening formed by the diagonal members shall be no more than 1¼ inches (44 mm). The angle of diagonal members shall not be greater than 45 degrees (0.79 rad) from vertical **(305.2.8)**
9. There shall be a clear zone of not less than 36 inches (914 mm) between the exterior of the barrier and any permanent structure or equipment **such as pumps, filters, heaters, etc. that can be used to climb the barrier (305.2.9)**
10. The pool or spa side of the required barrier shall not be less than 20 inches (508 mm) from the water's edge **(305.2.10)**
11. Access gates shall comply with the requirements of Sections 305.3.1 through 305.3.3 and shall be equipped to accommodate a locking device. Pedestrian access gates shall open outward away from the pool or spa and shall be self-closing and have a self-latching device. **Utility, service or other gates** not intended for pedestrian use shall have

a self-latching device and shall remain locked when not in use. Double or multiple gates shall have not fewer than one leaf secured in place and the adjacent leaf shall be secured with a self-latching device **meeting latch and release requirements under 305.3.3**. Where the release mechanism of the self-latching device is located less than 54 inches (1372 mm) from the bottom of the door or gate, the release mechanism shall be located on the pool side of the door or gate not less than 3 inches (76 mm) below the top of the door or gate, and the door or gate and barrier shall have no opening greater than ½ inch (12.7 mm) within 18 inches (457 mm) of the release mechanism. **(305.3)**

12. The barrier shall enclose only the pool and pool decking and shall not connect to the dwelling unit. If barrier connects to dwelling, the pool barrier must comply with all provisions of 305.4 **(as amended by Ch. 6)**
13. An onground **residential** pool wall structure or a barrier mounted on top of the onground **residential** pool wall structure shall serve as a barrier **when compliance only when all the provisions of 305.5 (as amended by Ch. 6) are met.**

**NOTE:** Aboveground pools abutting a deck next to dwelling **must provide a barrier with access gate and landing area on deck level (adjacent to pool) in order to meet barrier requirements for access from either the dwelling unit or rear yard OR meet all the requirements for structure wall as a barrier (305.4 as amended by Ch.6)**

### **Exemptions:**

The following shall be exempt from the provisions of this section **(305.1)**:

1. A spa or hot tub with a lockable safety cover that complies with ASTM F 1346.
2. Swimming pools with a power safety cover that complies with ASTM F 1346.