

## **SECTION 305 - BARRIER REQUIREMENTS**

**305.1 General.** The provisions of this section shall apply to the design of barriers for pools and spas. These design controls are intended to provide protection against the potential drowning and near drowning by restricting access to such pools or spas. These requirements provide an integrated level of protection against potential drowning through the use of physical barriers and warning devices.

**Exceptions:**

1. Spas and hot tubs with a lockable *safety cover* that complies with ASTM F 1346.
2. Swimming pools with a powered *safety cover* that complies with ASTM F 1346.

**305.2 Outdoor swimming pools and spas.** Outdoor pools and spas and indoor swimming pools shall be surrounded by a barrier that complies with Sections 305.2.1 through 305.7.

**305.2.1 Barrier height and clearances.** Barrier heights and clearances shall be in accordance with all of the following:

1. The top of the barrier shall be not less than 48 inches (1219 mm) above grade where measured on the side of the barrier that faces away from the pool or spa. Such height shall exist around the entire perimeter of the barrier and for a distance of 3 feet (914 mm) measured horizontally from the outside of the required barrier.
2. The vertical clearance between grade and the bottom of the barrier shall not exceed 2 inches (51 mm) for grade surfaces that are not solid, such as grass or gravel, where measured on the side of the barrier that faces away from the pool or spa.
3. The vertical clearance between a surface below the barrier to a solid surface, such as concrete, and the bottom of the required barrier shall not exceed 4 inches (102 mm) where measured on the side of the required barrier that faces away from the pool or spa.
4. Where the top of the pool or spa structure is above grade, the barrier shall be installed on grade or shall be mounted on top of the pool or spa structure. Where the barrier is mounted on the top of the pool or spa, the vertical clearance between the top of the pool or spa and the bottom of the barrier shall not exceed 4 inches (102 mm).

**305.2.2 Openings.** Openings in the barrier shall not allow passage of a 4-inch-diameter (102 mm) sphere.

**305.2.3 Solid barrier surfaces.** Solid barriers that do not have openings shall not contain indentations or protrusions that form handholds and footholds, except for normal construction tolerances and tooled masonry joints.

**305.2.4 Mesh fence as a barrier.** Mesh fences, other than chain link fences in accordance with Section 305.2.7, shall be installed in accordance with the manufacturer's instructions and shall comply with the following:

1. The bottom of the mesh fence shall be not more than 1 inch (25 mm) above the deck or installed surface or grade.
2. 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 (102 mm) from grade or decking.

3. The fence shall be designed and constructed so that it does not allow passage of a 4-inch (102 mm) sphere under any mesh panel. The maximum vertical clearance from the bottom of the mesh fence and the solid surface shall not be more than 4 inches (102 mm) from grade or decking.
4. An attachment device shall attach each barrier section at a height not lower than 45 inches (1143 mm) above grade. Common attachment devices include, but are not limited to, devices that provide the security equal to or greater than that of a hook-and-eyetype latch incorporating a spring-actuated retaining lever such as a safety gate hook.
5. Where a hinged gate is used with a mesh fence, the gate shall comply with Section 305.3.
6. Patio deck sleeves such as vertical post receptacles that are placed inside the patio surface shall be of a nonconductive material.
7. Mesh fences shall not be installed on top of on ground *residential* pools.

**305.2.5 Closely spaced horizontal members.** 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 13/4 inches (44 mm) in width. Where there are decorative cutouts within vertical members, spacing within the cutouts shall not exceed 13/4 inches (44 mm) in width.

**305.2.6 Widely spaced horizontal members.** Where the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members is 45 inches (1143 mm) or more, 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 13/4 inches (44 mm).

**305.2.7 Chain link dimensions.** The maximum opening formed by a chain link fence shall be not more than 13/4 inches (44 mm). Where the fence is provided with slats fastened at the top and bottom which reduce the openings, such openings shall be not more than 13/4 inches (44 mm).

**305.2.8 Diagonal members.** Where the barrier is composed of diagonal members, the maximum opening formed by the diagonal members shall be not more than 13/4 inches (44 mm). The angle of diagonal members shall be not greater than 45 degrees (0.79 rad) from vertical.

**305.2.9 Clear zone.** There shall be a clear zone of not less than 36 inches (914 mm) between the exterior of the barrier and any permanent structures or equipment such as pumps, filters and heaters that can be used to climb the barrier.

**305.2.10 Poolside barrier setbacks.** The pool or spa side of the required barrier shall be not less than 20 inches (508 mm) from the water's edge.

**305.3 Gates.** 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, shall be self-closing and shall have a self-latching device.

**305.3.1 Utility or service gates.** Gates not intended for pedestrian use, such as utility or service gates, shall remain locked when not in use.

**305.3.2 Double or multiple gates.** Double gates or multiple gates shall have at least one leaf secured in place and the adjacent leaf shall be secured with a self-latching device. The gate and barrier shall not have openings larger than 1/2 inch (12.7 mm) within 18 inches (457 mm) of the latch release mechanism. The self-latching device shall comply with the requirements of Section 305.3.3.

**305.3.3 Latches.** Where the release mechanism of the self-latching device is located less than 54 inches (1372 mm) from grade, the release mechanism shall be located on the pool or spa side of the gate not less than 3 inches (76 mm) below the top of the gate, and the gate and barrier shall not have openings greater than 1/2 inch (12.7 mm) within 18 inches (457 mm) of the release mechanism.

**305.4 Structure wall as a barrier.** Where a wall of a dwelling or structure serves as part of the barrier and where doors or windows provide direct access to the pool or spa through that wall, one of the following shall be required:

1. Operable windows having a sill height of less than 48 inches (1219 mm) above the indoor finished floor and doors shall have an alarm that produces an audible warning when the window, door or their screens are opened. The alarm shall be *listed* and *labeled* as a water hazard entrance alarm in accordance with UL 2017. In dwellings or structures not required to be Accessible units, Type A units or Type B units, the operable parts of the alarm deactivation switches shall be located 54 inches (1372 mm) or more above the finished floor. In dwellings or structures required to be Accessible units, Type A units or Type B units, the operable parts of the alarm deactivation switches shall be located not greater than 54 inches (1372 mm) and not less than 48 inches (1219 mm) above the finished floor.
2. A *safety cover* that is *listed* and *labeled* in accordance with ASTM F 1346 is installed for the pools and spas.
3. An *approved* means of protection, such as self-closing doors with self-latching devices, is provided. Such means of protection shall provide a degree of protection that is not less than the protection afforded by Item 1 or 2.

**305.5 Onground residential pool structure as a barrier.**

An onground *residential* pool wall structure or a barrier mounted on top of an onground *residential* pool wall structure shall serve as a barrier where all of the following conditions are present:

1. Where only the pool wall serves as the barrier, the bottom of the wall is on grade, the top of the wall is not less than 48 inches (1219 mm) above grade for the entire perimeter of the pool, the wall complies with the requirements of Section 305.2 and the pool manufacturer allows the wall to serve as a barrier.
2. Where a barrier is mounted on top of the pool wall, the top of the barrier is not less than 48 inches (1219 mm) above grade for the entire perimeter of the pool, and the wall and the barrier on top of the wall comply with the requirements of Section 305.2.

3. Ladders or steps used as means of access to the pool are capable of being secured, locked or removed to prevent access except where the ladder or steps are surrounded by a barrier that meets the requirements of Section 305.
4. Openings created by the securing, locking or removal of ladders and steps do not allow the passage of a 4-inch (102 mm) diameter sphere.
5. Barriers that are mounted on top of onground *residential* pool walls are installed in accordance with the pool manufacturer's instructions.

**305.6 Natural barriers.** In the case where the pool or spa area abuts the edge of a lake or other natural body of water, public access is not permitted or allowed along the shoreline, and required barriers extend to and beyond the water's edge not less than 18 inches (457 mm), a barrier is not required between the natural body of water shoreline and the pool or spa.

**305.7 Natural topography.** Natural topography that prevents direct access to the pool or spa area shall include but not be limited to mountains and natural rock formations. A natural barrier approved by the governing body shall be acceptable provided that the degree of protection is not less than the protection afforded by the requirements of Sections 305.2 through 305.5.

## **SECTION 306 - DECKS**

**306.1 General.** Decks shall be designed and installed in accordance with the *International Residential Code* or the *International Building Code*, as applicable in accordance with Section 102.7.1, except as provided in this section.

**306.2 Slip resistant.** Decks, ramps, coping, and similar step surfaces shall be slip resistant and cleanable. Special features in or on decks such as markers, brand insignias, and similar materials shall be slip resistant.

**306.3 Step risers and treads.** Step risers for decks of public pools and spas shall be uniform and have a height not less than 33/4 inches (95 mm) and not greater than 71/2 inches (191 mm). The tread distance from front to back shall be not less than 11 inches (279 mm). Step risers for decks of *residential* pools and spas shall be uniform and shall have a height not exceeding 71/2 inches (191 mm). The tread distance from front to back shall be not less than 10 inches (254 mm).

**306.4 Deck steps handrail required.** Public pool and spa deck steps having three or more risers shall be provided with a handrail.

**306.5 Slope.** The minimum slope of decks shall be in accordance with Table 306.5 except where an alternative drainage method is provided that prevents the accumulation or pooling of water. The slope for decks, other than wood decks, shall be not greater than 1/2 inch per foot (1 mm per 24 mm) except for ramps. The slope for wood and wood/plastic composite decks shall be not greater than 1/4 inch per 1 foot (1 mm per 48 mm). Decks shall be sloped so that standing water will not be deeper than 1/8 inch (3.2 mm), 20 minutes after the cessation of the addition of water to the deck.

**306.6 Gaps.** Gaps shall be provided between deck boards in wood and wood/plastic composite decks. Gaps shall be consistent with *approved* engineering methods with respect to the type of wood used and shall not cause a tripping hazard.

**306.6.1 Maximum gap.** The open gap between pool decks and adjoining decks or walkways, including joint material, shall be not greater than 3/4 inch (19.1 mm). The difference in vertical elevation between the pool deck and the adjoining sidewalk shall be not greater than 1/4 inch (6.4 mm).

**306.7 Concrete joints.** Isolation joints that occur where the pool coping meets the concrete deck shall be water tight.

**306.7.1 Joints at coping.** Joints that occur where the pool coping meets the concrete deck shall be installed to protect the coping and its mortar bed from damage as a result of the anticipated movement of adjoining deck.

**306.7.2 Crack control.** Joints in a deck shall be provided to minimize visible cracks outside of the control joints caused by imposed stresses or movement of the slab.

**306.7.3 Movement control.** Areas where decks join existing concrete work shall be provided with a joint to protect the pool from damage caused by relative movement.

**306.8 Deck edges.** The edges of decks shall be radiused, tapered, or otherwise designed to eliminate sharp corners.

**306.9 Valves under decks.** Valves installed in or under decks shall be accessible for operation, service, and maintenance. Where access through the deck walking surface is required, an access cover shall be provided for the opening in the deck. Such access covers shall be slip resistant and secured.

**306.9.1 Hose bibbs.** Hose bibbs shall be provided for rinsing down the entire deck and shall be installed in accordance with the *International Plumbing Code* or *International Residential Code*, as applicable in accordance with Section 102.7.1, and shall be located not more than 150 feet (45 720 mm) apart. Water-powered devices, such as water-powered lifts, shall have a dedicated hose bibb water source.

**Exception:** *Residential* pools and spas shall not be required to have hose bibbs located at 150-foot (45 720 mm) intervals, or have a dedicated hose bibb for waterpowered devices.

**(Continued)**

## SECTION 310 - SUCTION ENTRAPMENT AVOIDANCE

**310.1 General.** Suction entrapment avoidance for pools and spas shall be provided in accordance with APSP 7.

### Exceptions:

1. Portable spas and portable exercise spas *listed* and *labeled* in accordance with UL 1563 or CSA C22.2 No. 218.1. 2. Suction entrapment avoidance for wading pools shall be provided in accordance with Section 405.

## SUCTION ENTRAPMENT HAZARDS

### SUCTION ENTRAPMENT HAZARDS NOT ADDRESSED BY SAFETY VACUUM RELEASE SYSTEMS

Safety Vacuum Release Systems (SVRS) such as the IntelliFlo VS+SVRS pump are designed to prevent body suction entrapment. They do not prevent mechanical entrapment, hair entanglement, limb entrapment, or evisceration (disembowelment).

Below are the five entrapment hazards as explained by ANSI/APSP-7, Suction Entrapment Avoidance Standard.

- Body suction entrapment – Suction applied to a large portion of the body or limbs resulting in an entrapment.
- Limb entrapment – A limb sucked or inserted into an opening of a circulation outlet with a broken or missing cover in the pool resulting in a mechanical bind or swelling.
- Hair entrapment or entanglement – Hair becomes knotted or snagged in an outlet cover.
- Evisceration/disembowelment – Suction applied directly to the intestines through an unprotected sump or suction outlet with a missing or broken cover.
- Mechanical entrapment – Potential for jewelry, swimsuit, hair decorations, finger, toe or knuckle to be caught in an opening of an outlet or cover.

### WHAT IS THE DIFFERENCE BETWEEN BODY ENTRAPMENT AND LIMB ENTRAPMENT?

Limb entrapment such as a hand/arm or foot/leg is trapped in an opening of a circulation outlet with a broken or missing cover. Body entrapment is the stomach, back, shoulder and arm, blocking the drain opening.

The reason for the distinction is an arm stuck in a pipe is not solved by turning off the pump or "releasing the vacuum."

# Kate's Law

Public Chapter No. 850

PUBLIC ACTS, 2010

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PUBLIC CHAPTER NO. 850

SENATE BILL NO. 3019

By Burks, Marrero, Henry, Ford, Haynes, Barnes, Berke, Jackson, Herron,  
Flinney, Kyle, Stewart, Tate, Harper

Substituted for: House Bill No. 3156

By Curtiss, Moore, Hardaway, Cooper, Gillmore

AN ACT to amend Tennessee Code Annotated, Title 47 and Title 68, Chapter 14,  
relative to swimming pools.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 68, Chapter 14, is amended by  
adding the following as a new part thereto:

§ 68-14-801. This part shall be known and may be cited as "Kate Beth's  
Law".

§ 68-14-802. For purposes of this part, unless the context otherwise  
requires:

(1) "Pool alarm" means a device which emits a sound of at least  
fifty (50) decibels when a person or an object weighing fifteen (15)  
pounds or more enters the water in a swimming pool, but shall not  
include, swimming protection alarm devices designed for individual use,  
such as an alarm attached to a child that sounds when the child exceeds  
a certain distance or becomes submerged in water;

(2) "Residential dwelling" means a one-family or two-family  
dwelling structure; and

(3) "Swimming pool" means any structure that is intended for  
swimming or recreational bathing and contains water over thirty-six  
inches (36") deep, including, but not limited to, in-ground, aboveground,  
and on-ground swimming pools; hot tubs; and nonportable spas.

§ 68-14-803. Each person, enterprise, agency or entity that sells  
swimming pools to the general public shall post in a prominent place a sign, at  
least six inches (6") high and fourteen inches (14") wide, that reads as follows:

STATE LAW REQUIRES A POOL ALARM BE INSTALLED.

§ 68-14-804. Each person, enterprise, agency or entity that purchases or  
acquires a swimming pool to be installed after the effective date of this act shall  
install a pool alarm before using or making available for use such swimming pool.

§ 68-14-805.

(a) When an electrical inspection is required for the installation of a swimming pool, the electrical inspector shall not give final approval for the electrical wiring unless a properly functioning swimming pool alarm has been installed.

(b)(1) No local government shall issue a building permit for the construction or substantial alteration of a swimming pool located at a residential dwelling unless the project calls for a functioning swimming pool alarm to be installed prior to the completion of the construction project.

(2) It is an offense for any person, firm, association or corporation to knowingly accept a building permit for a swimming pool located at a residential dwelling unless a functioning swimming pool alarm will be installed prior to the completion of the construction project.

§ 68-14-806. A violation of this part is a Class C misdemeanor, punishable by a fine only not to exceed one hundred dollars (\$100). Second and subsequent offenses shall be punishable by a fine only of not more than five hundred dollars (\$500).

§ 68-14-807. The provisions of this part shall not apply to public swimming pools or multi-family residential housing swimming pools, as defined in § 68-14-302.

SECTION 2. This act shall take effect January 1, 2011, the public welfare requiring it.

PASSED: April 22, 2010

  
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RON RAMSEY  
SPEAKER OF THE SENATE

  
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KENT WILLIAMS, SPEAKER  
HOUSE OF REPRESENTATIVES

APPROVED this 30th day of April 2010



