

# MEMORANDUM

Date: September 24, 2012

**TO: PLANNING, ZONING, AND BUILDING STAFF**

**FROM: WAYNE R. THORNE, BUILDING OFFICIAL**

**SUBJECT: Residential swimming pool fence barriers. Florida Building Code Residential Section R4101.17.1**

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This is to provide a Building Code interpretation on what qualifies as a residential swimming pool fence barrier and the allowed location of such fence barrier in relationship to a swimming pool. The intent of this is not to create a condition to supersede any planning or zoning requirements associated to any allowable fence barrier heights based on location on the property as required in Section 158.152 of the Town Code.

From State Statute 515.25 and Florida Building Code Residential (FRC) section R4101.2 the barrier definition is as per the following.

“Barrier” means a fence, dwelling wall, or nondwelling wall, or any combination thereof, which completely surrounds the swimming pool and obstructs access to the swimming pool, especially access from the residence or from the yard outside the barrier.

State Statute 515.29(1)(c) and FRC R4101.17.1.12 are consistent.

The barrier must be placed around the perimeter of the pool and must be separate from any fence, wall, or other enclosure surrounding the yard unless the fence, wall, or other enclosure or portion thereof is situated on the perimeter of the pool, is being used as part of the barrier, and meets the barrier requirements of this section.

State Statute 515.29(1)(d).

(d) The barrier must be placed sufficiently away from the water’s edge to prevent a young child or medically frail elderly person who may have managed to penetrate the barrier from immediately falling into the water. Per section R4101.17.1.13 this is applicable only to a removable child barrier. In previous commentaries of earlier editions of the Building Code there is a comment as to such.

The State Statute or the Florida Building Code does not restrict the barrier to be immediately adjacent to a pool. The term “around the perimeter” can be any location with on the property as long as it meets the requirements as a compliant barrier.

In summary in accordance with the State Statutes and the Building Code a fence that complies with the requirements of a pool barrier maybe located anywhere on the property up to the property line. If there is Town Zoning Code restrictions as to the allowable height of a fence used as a pool barrier regarding its location on the property, those issues shall be separately addressed by the Zoning officials.

Wayne R Thorne  
Building Official