



NC DEPARTMENT OF
**HEALTH AND
HUMAN SERVICES**

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Division of Public Health

May 20, 2021

POSITION STATEMENT: Regulatory Guidance for Public Swimming Pools

PURSUANT TO: 15A NCAC 18A .2530 and .2543

SOURCE: Alice Isley, Pools Tattoos and State Institution Programs

QUESTION: Are dogs allowed in public swimming pools during or after the pool season?

DISCUSSION AND RATIONALE:

The Pools, Tattoos, and State Institutions Program has received questions regarding whether public swimming pools can have a “dog swim” at the end of the operating season or if dogs are allowed to swim with their owner during the season.

Public swimming pool is defined in G.S. 130A-280 as “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. This term includes municipal, school, hotel, motel, apartment, boarding house, athletic club, or other membership facility pools, spas, 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.” Public swimming pools are divided into five types; swimming pools, spas, wading pools, specialized water recreation attractions, and special purpose and therapy pools.

Rules 15A NCAC 18A .2530 and .2543 state that a sign prohibiting pets and glass containers shall be posted.

Although the Model Aquatic Health Code (MAHC) is not incorporated into the rules, it serves as an important tool when considering questions related to the pool rules. Section 6.4.2.2.3 of the 2018 MAHC states, “No animals in the AQUATIC VENUE and no animals on the DECK, except service animals, if applicable.”

The 2018 MAHC Annex states, as part of the signage requirements, “No animals in the AQUATIC VENUE and no animals on the DECK, except service animals, if applicable.” This exception applies to the DECK, not for the POOL water. Service animals are addressed under the Americans with Disabilities Act (ADA). An ADA Accessibility Guidelines (ADAAG) interpretation found on ADA’s [“Frequently Asked Questions about Service Animals and the ADA,”](#) includes the following:

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- Question: Are gyms, fitness centers, hotels, or municipalities that have swimming POOLS required to allow a service animal in the POOL with its handler?
- Answer. No. The ADAAG does not override public health rules that prohibit dogs in swimming POOLS. However, service animals must be allowed on the POOL DECK and in other areas where the public is allowed to go.

RESPONSE AND INTERPRETATION:

Based on the rules and guidance noted above and the increased risk of disease transmission, animals are not allowed in public swimming pools at any time, except for service animals on the pool DECK.

If you observe or learn that animals have been in a public swimming pool with a valid operation permit, issue an Immediate Suspension based on an imminent hazard; G.S. 130A-23(d) states that “A permit shall be suspended or revoked immediately if a violation of the Chapter, the rules or a condition imposed upon the permit presents an imminent hazard.” Contact your Regional EHS for guidance before lifting the Immediate Suspension.

If you learn that animals have been in a public swimming pool that does not have a valid operation permit, please contact your Regional EHS for guidance before issuing an operation permit the following season.

References: Rules Governing Public Swimming Pools 15A NCAC 18A .2500
 2018 MAHC Code (3rd Edition)
 2018 MAHC Annex (3rd Edition)

This guidance replaces any guidance given in previous written or verbal communications.

NOTE: Position statements are policy documents to clarify how to interpret or enforce a law or rule. They are not enforceable on their own but are intended to promote uniform interpretation and enforcement of the underlying law or rule.