

Index No: 97-05, dated October 1, 1997

Applicable To:

Licensed Day Care Homes, Licensed Day Care Centers, and Licensed Group Day Care Homes

Question:

When the height of an above-ground pool meets or exceeds the required height of the fence, is a fence still necessary?

Response:

When the height of an above-ground pool meets or exceeds 3½ feet, is nonclimbable, and is otherwise not accessible when not in use, a fence is not required.