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March 15, 2013

POSITION STATEMENT: Regulatory Guidance for Interactive Fountains

PURSUANT TO: 15A NCAC 18A .2500 Rules Governing Public Swimming Pools, Rule
.2543 WATER RECREATION ATTRACTIONS

SOURCE: Jim Hayes, Pools Tattoos and State Institutions Program

QUESTION:

What are the requirements for an interactive fountain, which combines interactive water play features and aesthetic fountain elements in a public fountain?

DISCUSSION AND RATIONALE:

Interactive water play attractions are regulated by the Rules Governing Public Swimming Pools and must meet the design criteria in rule .2543(d). Typically those attractions have been spray ground features at public swimming venues or free-standing spray grounds dedicated to water play.

A new trend is emerging of incorporating water walls, bubblers, jumping fountains and other interactive water features into aesthetic fountains with the intention that the public interact with the water by wading, placing hands and feet in the water, or being sprayed with water. In the past this Department has not regulated decorative fountains and other water features in areas where the public is typically in street clothing because those settings have not invited significant water exposure. Interactive fountains do invite significant water exposure and present public health concerns not typical of unregulated decorative fountains. There is not currently a rule specifically intended to regulate interactive fountains.

RESPONSE / INTERPRETATION:

Interactive fountains pose the same health risks as interactive water play features in more typical interactive water play attractions. There are not yet any specific guidelines for design of interactive fountains, which may differ from interactive water play attractions by incorporating standing water or decorative elements that change the topography of the spray pad area. A separate rule will be needed to address interactive fountains.

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Until such time as a specific rule is adopted, interactive fountains should be designed, built, operated and permitted using the criteria for interactive water play attractions in Rule .2543, particularly with respect to water quality and recirculation system requirements. The provision in Rule .2543(a) allowing water recreation attractions to deviate from the requirements with respect to pool profile, depth, freeboard, flow dynamics and surface skimming systems should be interpreted to allow a great degree of freedom to incorporate aesthetic and architectural elements with interactive water play elements. The provision of Session Law 2011-39 allowing interactive water play attractions to be permitted without dressing and sanitary facilities does apply to interactive fountains. Interactive fountains that incorporate standing water should be fenced or designed to minimize risk of drowning. This guidance is an interim policy to be replaced with a more specific rule in the future.

REFERENCES:

City of Portland, Oregon Design Guidelines for Interactive Fountains
Session Law 2011-39