

RULE GUIDANCE

Hot Tub, Pool or Pond Barrier



GUIDANCE TOPIC

What are the options for an appropriate barrier to prevent access to hot tubs/pools/ponds?

LICENSE TYPE AND RULES

Registered Family Child Care (RF)

OAR 414-205-0110(1)

Certified Family Child Care (CF)

OAR 414-350-0220(11); 414-350-0150(3); 414-350-0160(3)(a); 414-350-0170(16)

WHY THESE RULES ARE IN PLACE

Children must be protected from drowning hazards. There are times when a provider's attention is diverted from the majority of children in care therefore barriers around water features must be in place to ensure the safety of children in care.

HOW THIS MAY LOOK IN YOUR PROGRAM

Pools and hot tubs need to have a fence or another barrier to prevent access. When a fence is used as a barrier, the gate must be locked and/or all doors leading into the enclosed area must be locked with a keying mechanism or combination padlock

Pool and Hot Tub Barriers	Ornamental and Natural Pond Barriers
All locks used to secure pool barriers must be either a key or a combination lock	All locks used to secure pond barriers must be either a key or a combination lock
A rigid locking pool or hot tub cover is an option	A grate on top of a small pond is acceptable if it is of sufficient strength and rigidity to prevent children from falling into the water
A locked door to the outside area where the pool is located is acceptable as long as the door is always locked during child care hours and children are not using the outside area where the hot tub/pool is located	*A locked door to the outside area where the pond is located is acceptable as long as the door is always locked during child care hours and children are not using the outside area where the pond is located
<p>Fencing</p> <ul style="list-style-type: none"> • Must be at least four feet high • Can be chain link • Wood fencing should have vertical slats, or horizontal wood slats with no spacing between them • Must be non-climbable 	<p>Fencing</p> <ul style="list-style-type: none"> • Must be at least four feet high • Can be chain link • Wood fencing should have vertical slats, or horizontal wood slats with no spacing between them • Must be non-climbable
<p>Rigid pool sides are adequate as a barrier as long as the ladder is removed and the sides are:</p> <ul style="list-style-type: none"> • At least four feet high • Non-climbable • No rungs, ribbing or bracing that could encourage a child to climb 	N/A

Pool and Hot Tub Barriers

Plastic contractor fencing may be used on a temporary basis (e.g. for a temporary inflatable pool) as long as it is able to be locked, the fencing material meets the other fencing standards (above), is taut, and is close enough to the ground to avoid a child crawling under. This option may also require increased monitoring by a Licensing Specialist to ensure the stability of the fencing material

N/A

Ornamental and Natural Pond Barriers

Plastic contractor fencing may be used on a temporary basis (e.g. for while a pond is being deconstructed) as long as it is able to be locked, the fencing material meets the other fencing standards, is taut, and is close enough to the ground to avoid a child crawling under. This option may also require increased monitoring by a Licensing Specialist to ensure the stability of the fencing material

If the pond is in the front yard, and the front yard is not being used as a play area and the children are being escorted past the pond by their parents, then a barrier or cover is not required. **See note above regarding locked doors*

Ponds must be fenced or covered. Fenced or covered is the accepted practice, but there may be times when individual situations may require review for temporary or alternative solutions.

When a yard has an unfenced bay, creek or other body of water OCC requires that the provider be physically present with children of all ages, or that the children play in a specified area from which the hazard is not accessible. In situations of extreme danger, OCC may require more.

OCC LICENSING SPECIALIST MAY REVIEW

The Licensing Specialist will examine the type and height of the barrier to ensure a child is not able to climb or crawl underneath (see above), in addition to the lock, gate and any other safety component.

ADDITIONAL INFORMATION

Did you know? The Oregon Health Authority regulates swimming pools. Any swimming pool at a family child care home that is used for child care children is considered a "limited-use public pool" under Oregon Health Authority rules. All "limited-use public pools" must be licensed by the Health Authority ([OAR 333-060-0005](#) to [333-060-0705](#)). Family child care providers may use a pool for child care children only if it has been licensed. A provider may have an unlicensed pool at the family child care home that is not used by child care children.

OPTIONAL RESOURCES

Oregon Administrative Rules, Oregon Department of Education, Early Learning Division, Chapter 414, Divisions 205 [Registered Family Child Care Homes](#) and 350 [Certified Family Child Care Homes](#).

Pool Safety Posters, <https://www.cdc.gov/healthywater/swimming/materials/posters.html>

You are entitled to language assistance services and other accommodations at no cost. If you need help in your language or other accommodations, please contact the Office of Child Care at 503-947-1400.

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