



BRIAN TAYLOR
STATE FIRE MARSHAL

September 18, 2026

Mr. James Fields
4766 Looking Glass Trail
Denver, NC 28037

**RE: Pool Barrier Located on Adjacent Property — 2018 North Carolina Residential Code (NCRC),
Appendix V, Section AV105.2**

Dear Mr. Fields,

This letter responds to your request for a formal interpretation from the Office of State Fire Marshal (OSFM) dated May 2, 2026, and received by OSFM the same day. Your request is addressed below.

Stated in relevant part of the documentation received in the request:

“Can a neighbor’s fence fulfill the pool barrier requirements of Section AV105.2 of the 2018 NC Residential Code?”

The memo states, ‘Both neighbors would have to agree to the terms and conditions of it; a single neighbor could not force their requirements onto another property owner without their consent, as now the neighbor has legal liability for pool safety also.’

Lake Norman Community Association, Trilogy Lake Norman Architectural Committee approved the connection of my fence to my neighbor’s preexisting fence after the homeowner consented.

My pool barrier is physically connected to my neighbor’s fence, and together they form a continuous enclosure that fully restricts access to the pool area.

The current configuration meets the functional intent of the safety code: preventing unauthorized or unsupervised access to the pool. The fence line is continuous, structurally sound, and without gaps that would compromise safety.”

Remarks:

Code sections cited in this letter refer to the 2018 edition of the North Carolina Residential Code (NCRC).

Attachment A is comprised of the request for formal interpretation dated May 2, 2026, as well as all supporting information and exhibits submitted with the request.

OFFICE OF STATE FIRE MARSHAL

1202 MAIL SERVICE CENTER | RALEIGH NC 27699-1202 | TEL 919.647.0000 | FAX 866.851.6508 | NCOSFM.GOV



Code Analysis:

2018 NCRC Appendix V, Section AV105.2 – Outdoor swimming pool states in relevant part:

AV105.2 Outdoor swimming pool. An outdoor swimming pool, including an in-ground, above-ground or on-ground pool, hot tub or spa shall be surrounded by a barrier which shall comply with the following:

Comment: Section AV105.2 requires an outdoor swimming pool to be surrounded by a barrier. The remaining provisions of this section establish prescriptive requirements for the barrier, including its height, clearances, openings, climbability, and gates. The issue presented is whether a fence located on adjacent property may be relied upon as a required component of the barrier.

2018 NCRC Appendix V, Section AV102 – Definitions defines “Barrier” as follows:

BARRIER. A fence, wall, building wall or combination thereof that completely surrounds the swimming pool and obstructs access to the swimming pool.

Comment: Section AV102 requires the barrier to completely surround the swimming pool and obstruct access to the swimming pool. A fence segment relied upon to complete the required pool barrier must remain in place and be maintained in compliance with Section AV105.2. The submitted documentation shows that the applicant’s fence is connected to a fence located on adjacent property. The submitted architectural approval and the adjacent owner’s consent to the connection do not, by themselves, demonstrate that the pool owner has a continuing ability to ensure that the adjacent fence is maintained as a required component of the pool barrier.

Conclusions:

Can a neighbor’s fence fulfill the pool barrier requirements of Section AV105.2 of the 2018 NC Residential Code?

In most cases, no. Section AV105.2 requires an outdoor swimming pool to be surrounded by a barrier. Section AV102 defines a barrier as a fence, wall, building wall, or combination thereof that completely surrounds the swimming pool and obstructs access to the swimming pool.

A fence located on an adjacent owner’s property cannot be relied upon as a required part of the pool barrier where the pool owner does not have the ability to maintain the fence as necessary to comply with Section AV105.2. If a fence segment necessary to complete the barrier is removed, altered, damaged, or not maintained, the pool may no longer be surrounded by a barrier complying with Section AV105.2.

The submitted architectural approval and the adjacent owner’s consent to the connection do not, by themselves, demonstrate that the pool owner has a continuing ability to ensure that the adjacent fence is maintained as a required component of the pool barrier.

The NCRC does not address the type of document or property interest that may provide the pool owner with the ability to maintain a fence located on adjacent property. For example, a fence line may be



established as common to both properties by documentation that provides both property owners continuing responsibility for its upkeep and maintenance. Whether any deed restriction, easement, covenant, agreement, or other document establishes enforceable rights and responsibilities concerning the adjacent fence is a legal issue outside the scope of the NCRC and this formal interpretation. The pool owner remains responsible for providing and maintaining a barrier that complies with Section AV105.2.

Sincerely,

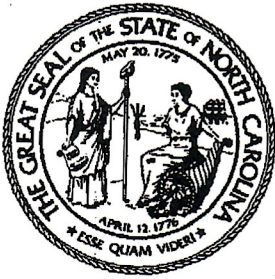
Pak Keung Yip, PE
Chief Code Consultant
North Carolina Office of State Fire Marshal

cc: File
Nathan Childs, NCDOJ, counsel for NC Building Code Council, nchilds@ncdoj.gov
Nicki Shaffer, NCDOJ, counsel for NC Residential Code Council, wshaffer@ncdoj.gov
David Rittlinger, NCOSFM, Division Chief - Code and Interpretations, david.rittlinger@ncdoj.gov



Attachment A





**APPENDIX E
APPEALS
NORTH CAROLINA
BUILDING CODE COUNCIL**
1429 Rock Quarry Road, Suite 105
Raleigh, North Carolina 27610
(919) 647-0008
david.rittlinger@ncdoi.gov

GS 153A-374, GS 160A-434

Formal Interpretation by NCDOI _____

Appeal of Local Decision to NCDOI _____

APPEAL TO NCDOI/NCBCC

Hearing Date _____ / _____ / _____

GS 143-140, GS 143-141

Appeal of Local Decision to NCBCC _____

Appeal of NCDOI Decision to NCBCC _____

APPELLANT James Fields
REPRESENTING Self
ADDRESS 4766 Looking Glass Trail
CITY Denver
E-MAIL jfields4766@icloud.com
PHONE (704) 231 - 9324 x _____
STATE NC **ZIP** 28037
FAX () -

North Carolina State Building Code, Volume _____ - Section _____

REQUEST ONE: ☒ [*] Formal Interpretation by NCDOI ☐ [] Appeal of Local Decision to NCBCC
☐ [] Appeal of Local Decision to NCDOI ☐ [] Appeal of NCDOI Decision to NCBCC

Type or print. Include all background information as required by the referenced General Statutes and the attached policies. Attach additional supporting information.

Can a neighbor's fence fulfill the pool barrier requirements of Section AV 105.2 of the 2018 NC Residential Code?

The memo states, "Both neighbors would have to agree to the terms and conditions of it; a single neighbor could not force their requirements onto another property owner without their consent, as now the neighbor has legal liability for pool safety also."

Lake Norman Community Association, Trilogy Lake Norman Architectural committee approved the connection of my fence to my neighbor's preexisting fence after the homeowner consented.

REASON:

My pool barrier is physically connected to my neighbors fence, and together they form a continuous enclosure that fully restricts access to the pool area.

The current configuration meets the functional intent of the safety code: preventing unauthorized or unsupervised access to the pool. The fence line is continuous, structurally sound, and without gaps that would compromise safety.

Signature _____

James Fields

APPEAL TO NCDOI/NCBCC

DATE: 2 May 26 FORM 3/14/17

3220-19
Lake Norman Community Association
c/o AAM, LLC
1600 W Broadway Rd., Ste 200
Tempe, AZ 85282

05/21/2019

James Fields, Janine Fields
4766 Looking Glass Trl
Denver, NC 28037-9026

Re: 4766 Looking Glass Trl
Denver, NC 28037
Submittal: 5' JOINT FENCING INSTALLATION

Lot #: DQ-0000-0404

Dear James Fields
Janine Fields

The Architectural Committee has reviewed and **APPROVED** the above listed application.

This approval is subject to all County, City, State and Federal permits, codes, statutes, laws, rules and regulations, which are the sole responsibility of the homeowner. This Approval shall not be deemed a warranty or representation as to the quality of construction, installation, addition, alteration, repair, change or other work.

Should you have any questions, please feel free to contact me at 980-247-1600 or by email at lmsteller@associatedasset.com. We thank you for your patience with this process.

Sincerely,

Tish Mosteller

Tish Mosteller
Community Manager
For the Architectural Committee of
Lake Norman Community Association

3220 – Lake Norman
Architectural Review Form

NAME: Fields DATE: 5/20/19
ADDRESS: 4766 Looking Glass Trail LOT: 404
SUBMITTAL: 5' joint fence

NAME: Billy Seymour
☒ Approved

Signature [Signature]
☐ Approved w/ Stipulation

☐ Disapproved
5-20-2019 Date of Signature

☐ Discuss at next meeting

Comments: _____

NAME: _____ Signature _____
☐ Approved ☐ Approved w/ Stipulation
☐ Disapproved ☐ Discuss at next meeting
☐ Date of Signature

Comments: _____

ETA Resident
Jenark
ARI
Minutes

[Signature]

LAKE NORMAN

Request for Architectural Approval

New Construction of or Modifications to Fences - Joint Application

NOTE: This form is to be used only for fences when proposed to be constructed on boundary lines. Additional forms are available for other types of architectural review requests.

OWNER #1
NAME JAMES FIELDS Lot 404
ADDRESS 4766 Looking Glass Phone # 704.231.9324
E-MAIL ADDRESS JAMES.FIELDS2015@gmail.com

OWNER #2
NAME Joe Gargiulo Lot 405
ADDRESS 4770 Looking Glass Tr. Phone # 214 649-2240
E-MAIL ADDRESS joe.gargiulo@aol.com

OWNER #3
NAME _____ Lot _____
ADDRESS _____ Phone # _____
E-MAIL ADDRESS _____

(Attach additional pages showing the name, address, lot number, phone number and e-mail address of any additional Owners participating in this request.)

SUBMITTALS MUST INCLUDE AND CANNOT BE ACCEPTED UNLESS THE FOLLOWING ARE INCLUDED:

- ☒ Two (2) Copies of the Plan Drawn to Scale.
- ☒ Minimum Scale 1/8" or 1/4" = 1'
- ☒ Plan sizes are 24x36 inch sheet of paper

Additionally:

- ☒ North Arrow
- ☒ Property Line and Easements
- ☐ Location of Structures and other Improvements on the Property already

New Fence type

- ☒ Black aluminum fence, 5 feet height (as defined in the Design Guidelines). . I understand that if my fence does not adhere to the Guidelines as shown, you may be required to remove it and build it to neighborhood standards.

New Fence connection (describe any proposed connections and submit detail)

FENCE FOR LOT #404 WILL CONSIST OF A REAR AND RIGHT SIDE SECTIONS AND TWO GATES. LONG ISLANDER STYLE #300. THE RIGHT SIDE OF THE FENCE FOR OWNER #2 WILL CONNECT TO THE REAR OF THE FENCE FOR OWNER #1 AND LEFT SIDE GATE.

Contractor: LANDMARK FENCE Phone #: 704-992-5558 License #: 5558 Expires: _____
**The Association recommends Owners use licensed contractors*

Time frame for construction: _____

Estimated start date: _____ Estimated completion date: _____

Mail or Deliver to: Lake Norman Community Association
344 North Highway 16, Denver, NC 28037
Office Hours of Operation: M - F 9:00 AM - 5:00 PM

The Architectural Review Committee shall have 60 days after receipt of your complete application (including any materials that the Architectural Review Committee may request after your initial application) to review your plans. The Architectural Review Committee will respond in writing to your application. No verbal approvals will be given.

The undersigned Owners understand and agree that the fence constitutes a "Boundary Fence" as described in Section 7.5 of the Declaration of Covenants, Conditions and Restrictions for Lake Norman ("Declaration") and that they will be responsible for maintenance and repair of a portion of the fence as set forth in the Declaration and in accordance with the Maintenance Standard (defined in the Declaration). If the fence is not being maintained in accordance with the Maintenance Standard, the Association has the right to maintain the fence with the Owners bearing all costs. Owners agree to comply with all county and state laws and to obtain all necessary permits. Owners agree not to begin construction of the proposed fence(s) until notified of the Architectural Review Committee's approval.

James Fields
Signature of Owner

5/7/19
Date

neighbor Jim Gargiulo
Signature of Owner

5/7/19
Date

Signature of Owner

Date

The above described architectural change is:

☒ Approved ☐ Disapproved ☐ Approved subject to the following conditions:

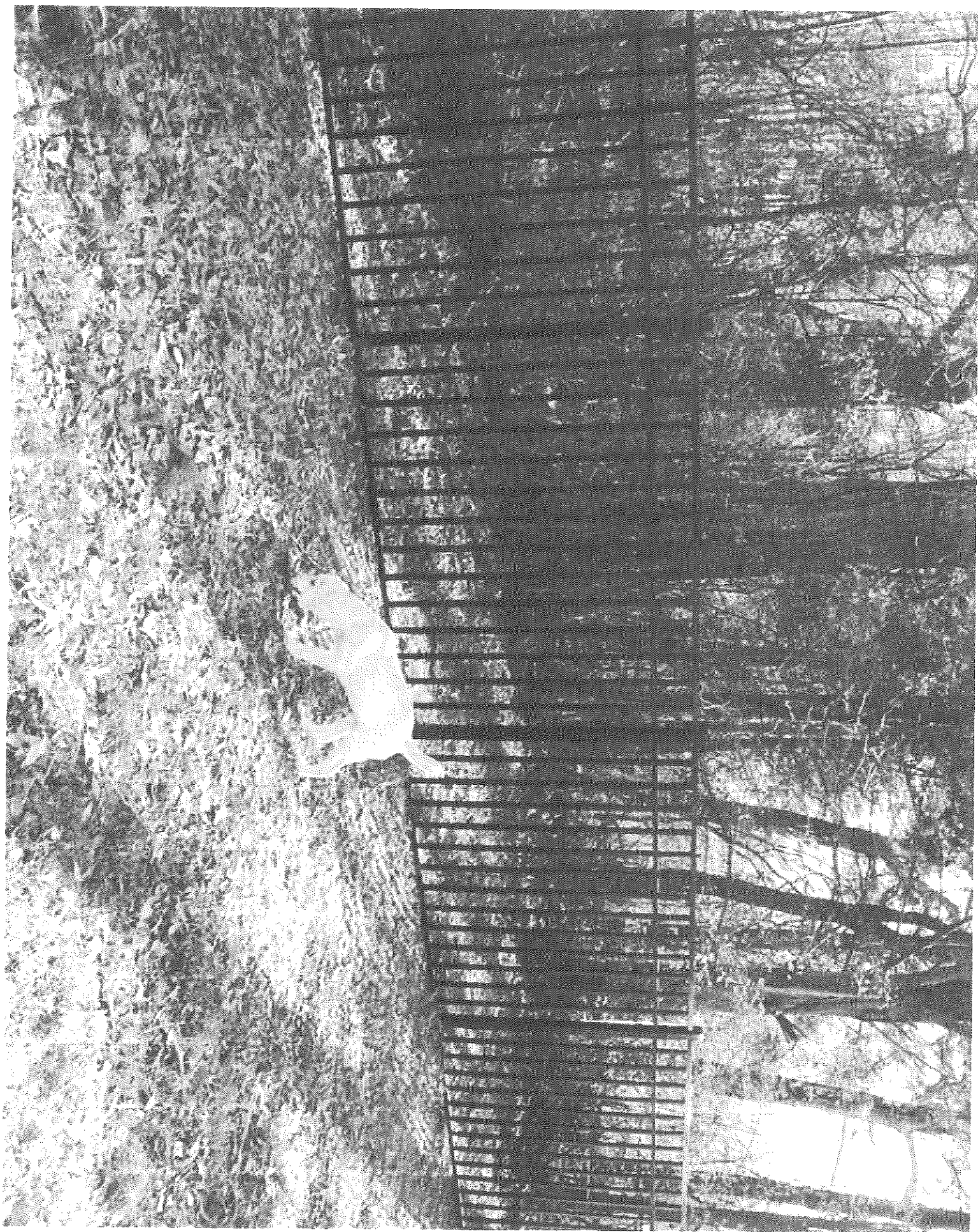
Stipulations (if applicable):

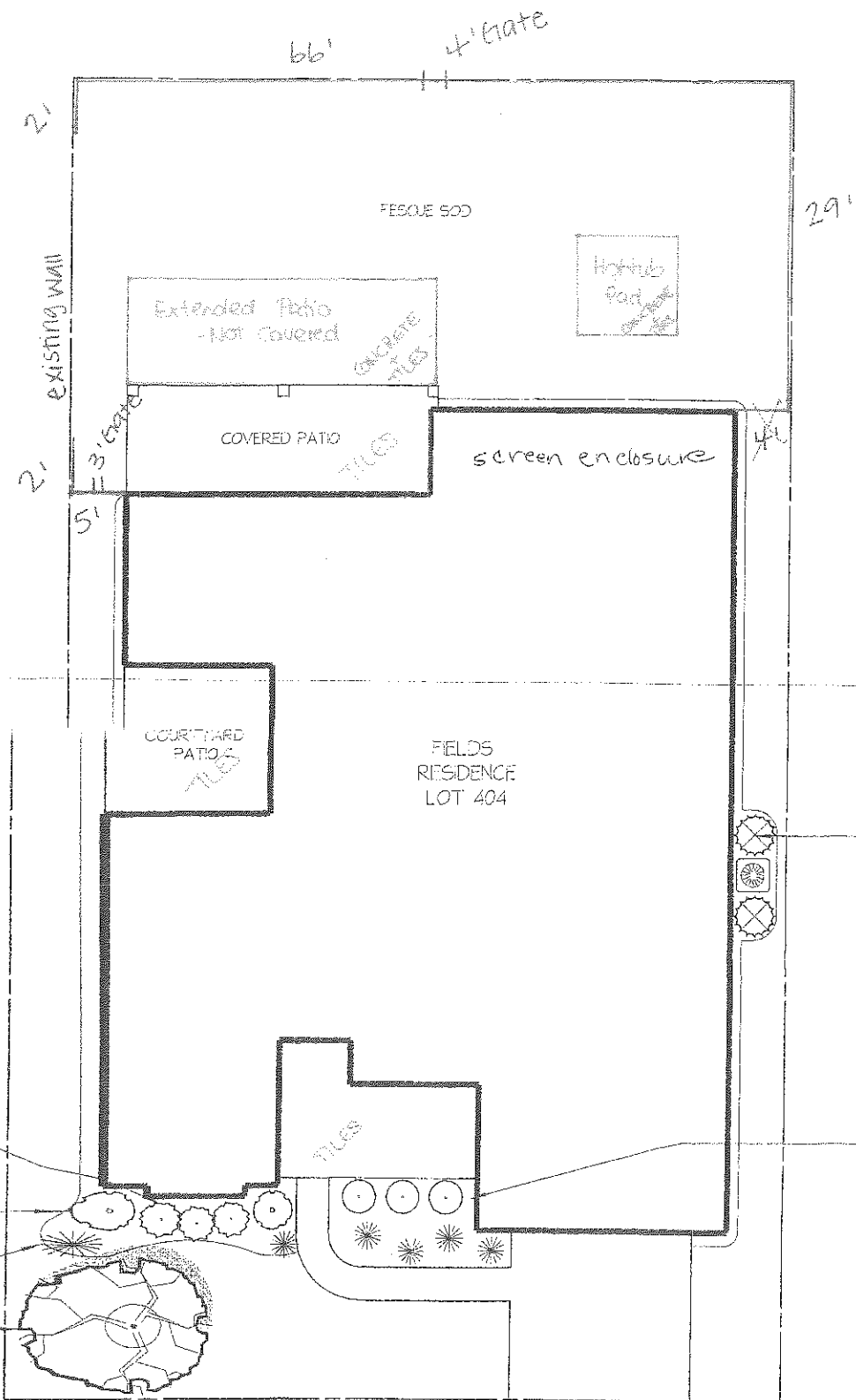
- ☐ _____
- ☐ _____
- ☐ _____
- ☐ _____
- ☐ _____

Fee Paid: _____ Date: _____

Mi
Architectural Review Committee Representative

5-20-2019
Date





- 1 DAYDREAM ABELIA (3 GAL)
- 10 GREEN ARBORVITAE (5-6')
- GRASS (1 GAL)
- GRAPE MYRTLE (25 GAL)



Photograph 1. Fence Front — Submitted photograph showing the front portion of the fence and gate configuration.



Photograph 2. Fence Rear — Submitted photograph showing the rear portion of the fence located along the adjoining property.



Photograph 3. Fence - Side Fence Line