

**CITY OF AMERY
CITY COUNCIL
POLK COUNTY, WISCONSIN**

ORDINANCE NO. 14-2024

**AN ORDINANCE TO AMEND CHAPTER 450 SEC. 103
SWIMMING POOLS AND HOT TUBS
OF THE MUNICIPAL CODE FOR THE
CITY OF AMERY, POLK COUNTY, WISCONSIN**

§ 450-103 Swimming pools and hot tubs

E. Enclosure.

(1) Except as hereinafter provided, every outdoor swimming pool and hot tub shall be completely surrounded by a fence or wall, in addition to the pool wall of an aboveground pool. Said fence or wall shall be constructed to a height of no less than six feet. Any fence or wall shall be located to a minimum horizontal distance of four feet from the edge of the swimming pool or hot tub.

(a) Exception. A pool cover or other protective device approved by the city building inspector shall be an acceptable enclosure so long as the degree of protection afforded by the substituted devices or structures is not less than the protection afforded by a fence and is in compliance with the American Society for Testing and Materials (ASTM) standard F1346. The substitution with such a pool cover or other protective device shall be done by the issuance of a certificate of compliance and shall be considered an exception from the provision of section (1). The applicant shall submit a written request for the certificate of compliance which shall include the specifications of the proposed protective device to be installed. The certificate of compliance may include reasonable conditions including specific times of required closure, use, maintenance and management of the pool cover, etc.

(b) Exception. A swimming pool or hot tub which has a pool wall exceeding 50 inches above the grade shall be exempt from the fencing requirement, provided it has a retractable ladder or gate capable of being closed and latched and locked with a combination lock or by a lock worked by a key when the swimming pool or hot tub is not in use.

(c) Exception. Hot tubs equipped with a fitted cover and capable of supporting a minimum of 200 pounds shall be exempt from required fencing.

(2) A dwelling, deck or accessory building may be used as part of such enclosure and may be located within four feet of the swimming pool or hot tub, providing it meets or exceeds the minimum fence and wall requirements provided above. All gates or doors opening through such enclosures shall be equipped with a latching device capable of keeping the gate or door securely closed at all times when not in actual use. Each such gate shall be secured by a combination lock or by a lock worked by a key.

(3) Swimming pools and hot tubs surrounded in whole or in part by a deck which has steps leading to the swimming pool or hot tub shall be equipped with a gate a minimum of four feet in height and capable of being latched and locked with a combination lock or by a lock worked by a key to secure access to the swimming pool or hot tub when not in use.

(4) Service gates and gates which are part of a fence or wall enclosing a swimming pool or hot tub which are located across a driveway shall be kept closed and latched at all times by the property owner or occupier when not in use for ingress or egress. When such areas are not in use, such gates shall be locked with a combination lock or by a lock worked by a key.

(5) Enclosure requirements are applicable to all swimming pools and hot tubs, other than indoor pools, and shall apply to all existing swimming pools and hot tubs which have a minimum depth of 24 inches of water.

Effective date. Upon passage and publication, this section shall take effect and be in force as provided by law.

Adopted by the City Council on July 24, 2024.

CITY OF AMERY



By: Rick Van Blaricom
Rick Van Blaricom
Mayor

Attest: Taylor Larson
Taylor Larson

Clerk-Treasurer

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