

**ORDINANCE 2024-05
VILLAGE OF MISHICOT**

**AN ORDINANCE CREATING CHAPTER 395-18 OF THE VILLAGE OF MISHICOT
MUNICIPAL CODE CONCERNING THE USE AND CONSTRUCTION OF SWIMMING POOLS
AND SPAS**

WHEREAS, the Village Board wishes to promote the general health, safety and welfare in the use of private swimming pools and to maintain required local uniformity with the administrative and technical requirements of Chapter V., Section 30.40, Swimming Pool/Spa Requirements, of the Wisconsin Uniform Building Code;

NOW, THEREFORE, the Village Board of the Village of Mishicot, Manitowoc County, Wisconsin, does ordain as follows:

Section 1. Creating Code. Section 395-18 of the Village of Mishicot Code of Ordinances is created as follows:

§ 395-18 Swimming Pools and Spas.

- A. Accessory use.** Swimming pools and spas shall be allowed as an accessory use in all Residential Districts.
- B. Code adopted.** Chapter V., Section 30.40, Swimming Pool/Spa Requirements, of the Wisconsin Uniform Building Code prepared by the Building Inspectors' Association of Southeastern Wisconsin, as amended from time to time, is adopted and incorporated by reference and the requirements listed therein shall apply to all swimming pools and spas irrespective of the date any such swimming pool or spa was built. In the event of any conflict between the Wisconsin Uniform Building Code and Chapter 395, Zoning, of the Village Code, the provisions of Chapter 395 shall apply.
- C. Permit required.** No person shall construct, enlarge or alter any swimming pool or spa without first obtaining a swimming pool permit from the Village Clerk-Treasurer.
- D. Permit fee.** All permit applications shall be accompanied by a fee as designated in the fee schedule on file in the office of the Village Clerk.
- E. Procedure for obtaining a permit.** Any person required to obtain a swimming pool/spa permit under this section shall first apply for a zoning permit with the Village Clerk-Treasurer's office under the direction of the Zoning Administrator. The Zoning Administrator shall determine whether the proposed swimming pool/spa or alteration complies with Chapter 395, Zoning, of the Village Code. Applicants shall also file their application for a swimming pool/spa permit, together with the applicable permit fee, with the Village Clerk-Treasurer at the time that application for a zoning permit is made.

The Zoning Administrator shall forward the application, fee and a copy of the zoning permit to the Village Clerk-Treasurer within three business days of the granting of the zoning permit. In the event a zoning permit is not granted, the application and fees shall be returned to the applicant.

F. Enforcement. The Building Inspector or his or her delegated representatives are hereby authorized and directed to administer and enforce this section. The Building Inspector may at all reasonable hours enter upon any private premises for inspection purposes and may require the production of the permit for any swimming pool/spa. No person shall interfere with or refuse to permit access to any such premises to the Building Inspector or his or her agent while in performance of his or her duties.

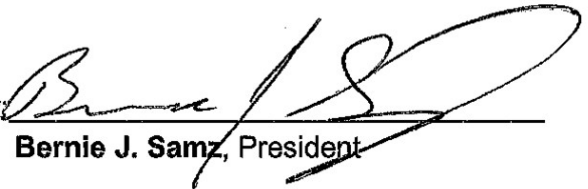
G. Penalties. The enforcement of this section shall be by means of the withholding of swimming pool/spa permits, imposition of forfeitures and injunctive action as provided in § 147-15 of the Village Code.


Section 2. Severability. Should any portion of this ordinance or the affected municipal code be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder shall not be affected.

Section 3. Effective Date. This ordinance shall take effect the day after publication or posting.

Enacted on: October 1, 2024

VILLAGE OF MISHICOT

By: 
Bernie J. Samz, President

By: 
Stephanie Stiefvater, Clerk-Treasurer

CLERK'S CERTIFICATE OF ENACTMENT

I hereby certify that the foregoing ordinance was duly enacted by the Village Board of the Village of Mishicot on the date indicated above.

Dated: October 1, 2024


Stephanie Stiefvater, Village Clerk-Treasurer

Posted on: October 2, 2024 by _____.

