

Chapter 580, Section 28 is hereby amended by adding and removing the following language – indicated in red text – and the ordinance below is hereby adopted in its entirety.

§ 580-28 Swimming pool requirements. A residential swimming pool is an outdoor structure containing a body of water in a receptacle or other container having a depth for water at any point greater than two feet, located above or below the surface of ground elevation, used or intended to be used solely by the owner and his/her family, and by friends invited to use it, and includes all structural facilities, appliances and appurtenances, equipment and other items used and intended to be used for the operation and maintenance of a residential swimming pool.

- A. Exempt pools. Storable children’s swimming or wading pools with a maximum dimension of 15 feet and a maximum wall height of 15 inches and which are so constructed that they may be readily disassembled for storage and reassembled to their original integrity are exempt from the provisions of this section.
- B. Permits required. A zoning and a building permit are required for the installation, alteration, or addition of a swimming pool. A fence permit is required if the property owner chooses to meet the access requirements with a fence.
- C. Pool is not operated as a business or private club, except when allowed as a permitted home occupation.
- D. Pool shall not be located in any required front or required side yard, and shall not be closer than 10 feet to any property line of the property on which it is located.

(1) Pump and filter installations for pools installed or altered before April 1, 2021 shall not be closer than 20 feet to any property line. Pump and filter installations for pools installed or altered on or after April 1, 2021 and certified to produce a maximum of 45 decibels of noise during peak operation shall not be closer than 10 feet to any property line.

C. Access to the pool shall be restricted by a fence or other barrier which complies with the following requirements:

(1) For a below-grade swimming pool, the pool or property upon which said pool is located shall be enclosed by a fence of a type which effectively controls the entrance by children to the pool area, ~~is said fence to be~~ at least four feet in height, and complies with sec. 580-27.

(a) Wooden fences with boards placed vertically shall not have any opening wider than four inches per opening.

(b) Wooden fences with boards placed horizontally shall not have any opening wider than one inch per opening.

(2) Gates installed for access to the property or pool area shall be equipped with an automatic closing and latching device to protect against uncontrolled access to the pool.

(3) An aboveground pool shall be deemed to be in compliance with the fencing requirement if the sidewalls supporting the deck of the pool are at least 40 inches in height, the perimeter of any deck is surrounded by a guard rail at least three feet in height and all entrances (including steps) to the pool or deck are equipped with a self-closing and self-latch device which keeps such door or gate securely closed at all times when not in actual use.

(4) All fences, guardrails, gates and closure devices required by this section shall be maintained in good operating condition.

(5) Pool safety covers capable of supporting at least 200 pounds per square foot at all points of the cover, with an electronic closing mechanism, are an acceptable substitute for fencing. Pool covers shall be fixed securely in place at all times when the pool is not supervised by a responsible person. Applicants shall provide documentation that the proposed cover meets the weight requirement and closing mechanism requirement before a zoning permit will be issued.

(6) Failure to restrict unauthorized access to the pool area by failing to maintain required fences or guard rails or safety covers, failing to keep required gates closed and latched, or failing to remove or retract ladders providing access to the pool shall constitute a violation of this section and shall subject the owner to all penalties therefor.

D. This section shall not be construed as creating a duty on the part of the Village to inspect any property or otherwise enforce the provisions of this section. The Village shall have no liability for any damages resulting from noncompliance or the failure to enforce the provisions of this section.

This ordinance shall take effect from and after its passage and publication, as provided by law.

INTRODUCED: March 4, 2021

PUBLIC HEARING: March 4, 2021

PASSED: March 16, 2021

PUBLISHED: March 24, 2021

VILLAGE OF WINNECONNE, WISCONSIN

By: Christopher Boucher
Christopher Boucher, Village President

Attest: Jacquie Stelzner
Jacquie Stelzner, Village Clerk-Treasurer