

Agenda Item Number 6

Memo

To: Village Board

Fr: Mark Roberts, Code and Safety Coordinator

Re: Pool Barriers

Date: September 11, 2014

I conducted some research into other municipalities' ordinances regarding pools and fences. What found was that about half of them still require a fence around all pools and the other half does not, if the pools meet their minimum height requirements. Some exceptions, such as the Village of Pulaski, do not require a standard fence if the pool is equipped with an attachable fence extension.

CITY OF GREEN BAY – REQUIRES A FENCE

VILLAGE OF HOWARD – NO FENCE

VILLAGE OF HOBART – NO FENCE

CITY OF DE PERE – REQUIRES A FENCE

TOWN OF SCOTT – REQUIRES A FENCE

CITY OF APPLETON – NO FENCE

VILLAGE OF KOEHLER – NO FENCE

TOWN OF LEDGEVIEW – FENCE REQUIRED

VILLAGE OF PULASKI – FENCE REQUIRED UNLESS FENCE EXTENSION ATTACHED TO POOL

TOWNS OF MORRISON, WRIGHTSTOWN, NEW DENMARK, HOLLAND DO NOT HAVE ORDINANCES COVERING POOLS AND/OR FENCING

I have pages with above listed municipalities' ordinances concerning pools and fencing if needed.

Village Board is asked to amend the ordinance allowing for changes to ordinances 26.08 – Swimming Pool Fences and 13.16 Depth of Portable Pools.



**ORDINANCE NO. 2014-21**

**AN ORDINANCE AMENDING CHAPTER 13, BUILDING CODE,  
SEC. 13.16 D., RELATING TO DEPTH OF PORTABLE POOLS,  
OF THE VILLAGE OF ALLOUEZ MUNICIPAL CODE**

**THE VILLAGE BOARD OF THE VILLAGE OF ALLOUEZ, BROWN COUNTY,  
WISCONSIN, DOES ORDAIN THAT SEC. 13.16 D. BE AMENDED TO READ AS  
FOLLOWS:**

**SECTION 1. 13.16 SWIMMING POOLS.**

- D. Portable pools over 18 inches in depth must be drained, fenced, or covered in such a manner as to provide public safety after each day's use.

**SECTION 2.** All ordinances or parts of ordinances, in conflict herewith are hereby repealed.

**SECTION 3.** This ordinance shall take effect upon its adoption and publication.

Approved and adopted this 16<sup>th</sup> day of September, 2014.

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Steven VandenAvond, Village President

ATTEST:

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Debra M. Baenen, Village Clerk

DATE OF PUBLICATION:

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13.16 SWIMMING POOLS.

- A. Before construction of a swimming pool is started, a building permit must be taken out accompanied by a plot plan showing size, location and description of the property.
- B. See Section 8.03 C for the building permit fees.
- C. Permanent pools shall maintain minimum side and rear yard setbacks of 10 feet from adjoining property. Where necessary to keep ground and fill from going on adjoining property, a permanent wall constructed of concrete or masonry must be installed. Temporary and above ground pools shall have a side yard and rear yard setback of 4 feet from adjoining property.
- D. Portable pools over ~~one-foot~~ 18 inches in depth must be drained, fenced, or covered in such a manner as to provide public safety after each day's use.



**ORDINANCE NO. 2014-22**

**AN ORDINANCE AMENDING CHAPTER 26, FENCES,  
SEC. 26.08 B. AND CREATING SEC. 26.08 C., RELATING TO  
SWIMMING POOL FENCES AND ONGROUND RESIDENTIAL  
POOL STRUCTURE OF THE VILLAGE OF ALLOUEZ MUNICIPAL CODE**

**THE VILLAGE BOARD OF THE VILLAGE OF ALLOUEZ, BROWN COUNTY,  
WISCONSIN, DOES ORDAIN THAT SEC. 26.08 B. BE AMENDED AND SEC. 26.08 C.  
BE CREATED TO READ AS FOLLOWS:**

**SECTION 1. Sec. 26.08 SWIMMING POOL FENCES.**

- B. All outdoor swimming pools, hot tubs, wading pools, ponds, and spas having a depth of 18 inches or greater, existing and hereafter constructed shall be isolated from adjoining properties by a fence no less than 48 inches in height, with a maximum gap of four inches, of good appearance, and which is constructed and maintained so as to prevent the unguarded entry of small children. Any gate leading from the pool area to any open adjoining property shall be constructed with a latch so as to be capable of being locked, and shall be closed and secured so as to prevent unlatching by persons outside the pool area when the pool is not in use. An above-ground pool with self-providing fencing is deemed to comply with the provisions of this section providing that such self-provided fence is a minimum of six feet in height, is sufficient to prevent the unguarded entry of small children, and conforms to all other applicable ordinances of the Village. No fence shall be required for spas or hot tubs with a safety cover complying with ASTM F1346 which is closed when not in use.
- C. Where an on ground residential pool structure is used as a barrier or where the barrier is mounted on top of the pool structure, the following shall apply:
1. An on ground pool wall, itself, shall be permitted to be the barrier where the pool structure is on grade and the wall is at least 48 inches above grade for the entire perimeter of the pool and complies with the requirements of paragraph B.
  2. Where the means of access is a ladder or steps, the ladder or steps shall be capable of being secured, locked or removed to prevent access or the ladder or steps shall be surrounded by a barrier that meets the requirements of this section.
  3. When the ladders or steps are secured, locked or removed, any opening created shall not allow the passage of a 4-inch-diameter sphere.
  4. The barrier shall be installed in accordance with the manufacturer's instructions.

**SECTION 2.** All ordinances or parts of ordinances, in conflict herewith are hereby repealed.

**SECTION 3.** This ordinance shall take effect upon its adoption and publication.

Approved and adopted this 16<sup>th</sup> day of September, 2014.

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Steven VandenAvond, Village President

ATTEST:

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Debra M. Baenen, Village Clerk

DATE OF PUBLICATION:

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26.08 SWIMMING POOL FENCES.

- A. Barriers around a swimming pool are deemed to be necessary for the safety of children, shall be erected to comply with the provision of other applicable ordinances, shall be deemed to be fences, and shall be permitted subject to the provisions of this chapter.
- ~~B. All outdoor swimming pools, hot tubs, wading pools, ponds, and spas having a depth of 18 inches or greater, existing and hereafter constructed shall be isolated from adjoining properties by a fence no less than 50 inches in height, with a maximum gap of four inches, of good appearance, and which is constructed and maintained so as to prevent the unguarded entry of small children. Any gate leading from the pool area to any open adjoining property shall be constructed with a latch so as to be capable of being locked, and shall be closed and secured so as to prevent unlatching by persons outside the pool area when the pool is not in use. An above-ground pool with self-providing fencing is deemed to comply with the provisions of this section providing that such self-provided fence is a minimum of six feet in height, is sufficient to prevent the unguarded entry of small children, and conforms to all other applicable ordinances of the Village. No fence shall be required for spas or hot tubs with a safety cover complying with ASTM F1346 which is closed when not in use.~~
- B. All outdoor swimming pools, hot tubs, wading pools, ponds, and spas having a depth of 18 inches or greater, existing and hereafter constructed shall be isolated from adjoining properties by a fence no less than 48 inches in height, with a maximum gap of four inches, of good appearance, and which is constructed and maintained so as to prevent the unguarded entry of small children. Any gate leading from the pool area to any open adjoining property shall be constructed with a latch so as to be capable of being locked, and shall be closed and secured so as to prevent unlatching by persons outside the pool area when the pool is not in use. An above-ground pool with self-providing fencing is deemed to comply with the provisions of this section providing that such self-provided fence is a minimum of six feet in height, is sufficient to prevent the unguarded entry of small children, and conforms to all other applicable ordinances of the Village. No fence shall be required for spas or hot tubs with a safety cover complying with ASTM F1346 which is closed when not in use.
- C. Where an on ground residential pool structure is used as a barrier or where the barrier is mounted on top of the pool structure, the following shall apply:
1. An on ground pool wall, itself, shall be permitted to be the barrier where the pool structure is on grade and the wall is at least 48 inches above grade for the entire perimeter of the pool and complies with the requirements of paragraph B.
  2. Where the means of access is a ladder or steps, the ladder or steps shall be capable of being secured, locked or removed to prevent access or the ladder or steps shall be surrounded by a barrier that meets the requirements of this section.
  3. When the ladders or steps are secured, locked or removed, any opening created shall not allow the passage of a 4-inch-diameter sphere.
  4. The barrier shall be installed in accordance with the manufacturer's instructions.

