

ORDINANCE NO. 2062

**AN ORDINANCE AMENDING OUTDOOR POOL REQUIREMENTS IN THE VILLAGE OF SHOREWOOD**

At a regular meeting of the Village Board of the Village of Shorewood, Milwaukee County, held on this 20th day of June, 2016, a quorum being present and a majority of the Board voting therefore, said Board finds:

WHEREAS, the Village Code shall protect the safety and wellbeing of the public with an ordinance regulating the use of all private swimming pools and spas;

WHEREAS, there exists a need to distinguish between the requirements for a private swimming pool or spa, and a private temporary above ground swimming pool; and

NOW, THEREFORE, at a regular meeting of the Village Board of the Village of Shorewood, Milwaukee County Wisconsin held on the 20th day of June, 2016, a quorum being present and a majority of the Board voting therefore said Board does ordain as follows:

**SECTION 1**

That Section 225-9 Private Swimming pools and spas of Article II: Supplemental Building Regulations of Chapter 225 Building Construction is hereby repealed in its entirety and re-created as follows:

§225-9 Private swimming pools and spas and private temporary above ground swimming pools.

A. Definitions. As used in this section, the following terms shall have the meaning indicated:

**PRIVATE SWIMMING POOL OR SPA**

A permanent structure containing a body of water in an artificial or semiartificial receptacle or other container, having a capacity for water exceeding 18 inches in depth at any point, located above or below the surface of the ground elevation, used or intended to be used by the owner, operator or lessee thereof and his family and/or by friends invited to use it, and includes all structures, appurtenances, equipment, appliances and other facilities appurtenant thereto and intended for the operation and maintenance of a private swimming pool or spa.

**PRIVATE TEMPORARY ABOVEGROUND SWIMMING POOL**

A structure containing a body of water in an artificial or semiartificial receptacle or other container, having a capacity for water exceeding 18 inches in depth at any point, located above the surface of the ground elevation, set up and removed seasonally, used or intended to be used by the owner, operator or lessee thereof and his family and/or by friends invited to use it, and includes all structures, appurtenances, equipment, appliances and other facilities appurtenant thereto and intended for the operation and maintenance of a swimming pool or spa.

B. Permit requirements.

- (1) Before work is commenced on the construction or erection of a private swimming pool or spa, or any alterations, additions, remodeling or other improvements are made to a private swimming pool or spa, a written permit shall be obtained from the Building Inspector.
- (2) No permit under this section shall be required to erect a private temporary aboveground swimming pool. However, any private temporary aboveground swimming pool that has plumbing and/or electrical components may have those components subject to permit requirements under the plumbing or electrical code as described in subsection 3 below.
- (3) Incidental plumbing and/or electrical work on either a private swimming pool or spa or private temporary aboveground swimming pool shall be subject to the provisions of the respective codes and require separate permits as required by those codes.

C. Application for permit. Application for a permit to construct or erect a private swimming pool or spa, or to alter, add to, remodel or improve a private swimming pool or spa shall be in writing upon a form approved by the Building Inspector and shall be accompanied by a plot plan and the required fee paid with the filing of the application.

D. Fee. A fee as provided by the Village Fee Schedule shall accompany each permit application for any private swimming pool or spa.

E. Setback and other requirements.

- (1) No part of any private swimming pool or spa or private temporary above ground swimming pool shall be set nearer than three feet to any lot line or 15 feet to any adjacent residence or in the front setback area of any lot.
- (2) The area of any private swimming pool or spa shall not exceed 30% of the available rear or side yard area in which the pool or spa is located, subject to the setback requirements of Subsection E(1) of this section.
- (3) Every person, every member of a partnership and every corporation that owns, directly or indirectly, or operates or uses, or has custody or control of, or has the right to use, any private swimming pool or spa located in the Village of Shorewood shall erect and maintain a fence or barrier around such swimming pool or spa of such size and construction as to safeguard a child of tender years to prevent such child from falling into such swimming pool or spa, or shall install and maintain a cover over such swimming pool or spa of such design and of such material that it can be securely fastened in place, and when in place, such cover shall be capable of sustaining a person weighing 250 pounds. Such cover shall be securely fastened in place at all times when such swimming pool or spa is not in actual use for bathing or swimming purposes. Where fences are erected for such protection, all gates in such fences shall be equipped with self-closing and self-latching devices, which shall be located at the top of the gate to the pool or spa side of the fence. A child of tender years, within the meaning of this section, shall be any child who shall not have attained the age of 10 years.
  - (a) Private temporary aboveground swimming pools, as defined in this section, shall be exempt from the fencing requirements of a permanent private swimming pool or spa. However, for safety reasons, a private temporary aboveground swimming pool that is not enclosed by a fence shall have all means of entrance, including but not limited to ladders and steps, removed from said swimming pool when the pool is not in use.

(4) Every private swimming pool or spa and every private temporary aboveground swimming pool which has a capacity of at least 500 cubic feet of water shall be equipped with a recirculating system which shall be capable of filtering and recirculating the entire volume content of the pool or spa during a twelve-hour period, and maintenance of the proper bacterial quality thereof.

(5) Every private swimming pool or spa and every private temporary aboveground swimming pool which has a capacity for water exceeding five feet in depth at any point shall be equipped with life preservers, the number and type of which shall be approved by the Building Inspector.

(6) Every private swimming pool or spa and every private temporary aboveground swimming pool shall be required to meet all National Electric Code requirements. Temporary aboveground swimming pools shall be powered by an approved ground fault circuit interrupter (GFCI) outlet.

F. Season. Private temporary aboveground swimming pools shall not be installed before May 1, and shall be drained and removed from the property by October 15.

G. Drainage. Every private swimming pool or spa and every private temporary aboveground swimming pool shall be provided with suitable drainage approved by the Village Plumbing Inspector, and in no case shall any swimming pool or spa be drained onto lands of other property owners in the vicinity.

#### SECTION 2

That if any subsection, section, or portions of this ordinance or the application thereof to any persons as enacted hereunder is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portions shall be deemed a separate, distinct and independent provision and such holdings shall not affect the validity of the remaining portions hereof and the validity of the ordinance in all other respects shall not be affected thereby.

#### SECTION 3

That all ordinances or parts of ordinances conflicting with the provisions of this ordinance are hereby to such extent repealed.

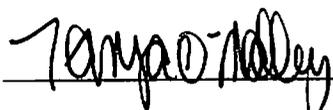
#### SECTION 4

This ordinance shall be in full force and effect after its passage and posting as provided by law.

PASSED AND ADOPTED by the Village Board of the Village of Shorewood, Milwaukee County, Wisconsin, this 20<sup>th</sup> day of June, 2016.

  
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Guy Johnson, Village President

Countersigned:

  
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Tanya O'Malley, Village Clerk