

# Title 11 ~ Chapter 2

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## Swimming Pools

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### Sec. 11-2-1 Swimming Pools

**(a) Definition.**

A private or 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 (24 inches) located above or below the surface of ground elevation, used or intended to be used solely by the owner, operator or lessee thereof and his 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 private or residential swimming pool. The regulations herein shall also be applicable to hot tubs.

**(b) Exempt Pools.**

Storable children's swimming or wading pools not meeting the definition in paragraph (a) and which are so constructed that it may be readily disassembled for storage and reassembled to its original integrity are exempt from the provisions of this Section.

**(c) Permit Required.**

Before work is commenced on the construction or erection of private or residential swimming pools or on any alterations, additions, remodeling or other improvements, an application for a swimming pool building permit to construct, erect, alter, remodel or add must be submitted in writing to the Building Inspector. Plans and specifications and pertinent explanatory data should be submitted to the Building Inspector at the time of application. No work or any part of the work shall be commenced until a written permit for such work is obtained by the applicant. A fee as set by Resolution of the Common Council shall accompany such application.

**(d) Construction Requirements.**

In addition to such other requirements as may be reasonably imposed by the Building Inspector, the Building Inspector shall not issue a permit for construction as provided for in Subsection (c), unless the following construction requirements are observed:

- (1) All materials and methods of construction in the construction, alteration, addition, remodeling or other improvements and pool installation shall be in accord with all state regulations and code and with any and all Ordinances of the City now in effect or hereafter enacted.

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- (2) All plumbing work shall be in accordance with all applicable Ordinances of the City and all state codes. Every private or residential swimming pool shall be provided with a suitable draining method and, in no case, shall waters from any pool be drained into the sanitary sewer system, onto lands of other property owners adjacent to that on which the pool is located on in the general vicinity.
- (3) All electrical installations, including lighting and hearing but not limited thereto, which are provided for, installed and used in conjunction with a private swimming pool shall be in conformance with the state laws and City Ordinances regulating electrical installations.

**(e) Setbacks and Other Requirements.**

- (1) Private swimming pools shall be erected or constructed in the rear yard only and only on a lot occupied by a principal building. No swimming pool shall be erected or constructed on an otherwise vacant lot. A lot shall not be considered vacant if the owner owns the contiguous lot and said lot is occupied by a principal building.
- (2) No swimming pool shall be located, constructed or maintained closer to any side or rear lot line than is permitted in the Zoning Code for an accessory building, and in no case shall the water line of any pool be less than six (6) feet from any lot line.

**(f) Fence.**

- (1) Pools within the scope of this Section which are not enclosed with a permanent building shall be completely enclosed by a fence of sufficient strength to prevent access to the pool, or shall have a cover or other protective device over such swimming pool of such design and material that the same can be securely fastened in place and when in place shall be capable of sustaining a person weighing one hundred fifty (150) pounds. Such cover or protective device shall be securely fastened in place at all time when the swimming pool is not in actual use for swimming or bathing purposes. Such fence or wall shall not be less than four (4) feet in height nor more than six (6) feet in height and so constructed as not to have voids, holes or openings larger than three (3) inches in one (1) dimension. Gates or doors shall be kept securely closed and locked at all times when not in actual use
- (2) The pool enclosure may be omitted where portable pools are installed above ground and have a raised deck around the entire pool perimeter with an attached enclosed railing a minimum of forty-eight (48) inches high on the top or where the sidewalls are a minimum of forty-eight (48) inches high and pool ladders can be secured when not in use.

**(g) Draining and Approval Thereof.**

No private swimming pool shall be constructed so as to allow water there from to drain into any sanitary sewer or septic tank nor to overflow upon or cause damage to any adjoining property. Provisions may be made for draining the contents of any swimming pool into a storm sewer, but such installation shall be subject to prior approval by the Street Superintendent. In all cases where a private swimming pool is to be constructed on premises served by a private sewage disposal system, approval of the State Board of Health shall be necessary before the construction of any such pool may commence.

(h) **Filter System Required.**

All private swimming pools within the meaning of this Chapter must have, in connection therewith, some filtration system to assure proper circulation of the water therein and maintenance of the proper bacterial quality thereof.

(i) **Dirt Bottoms Prohibited.**

All swimming pools of a permanent nature shall have the sides and bottom of a smooth finish, and no sand or dirt bottom shall be permitted.

(j) **Existing Pools.**

All swimming pools existing at the time of passage of this section, not satisfactorily fenced, shall comply with Sec, 11-2-1(f) **Fence Section** within sixty (60) days of publication of this Ordinance.

## **Sec. 11-2-2 Appeal to Board of Appeals**

Any person feeling aggrieved by an order or a determination of the Building Inspector or Street Superintendent may appeal from such order or determination to the Board of Appeals. Those procedures customarily used to effectuate an appeal to the Board of Appeals shall apply.

## **Sec. 11-2-3 Liability for Damages**

This Ordinance shall not be construed as an assumption of liability by the City for damages because of injuries sustained or property destroyed by any defect in any dwelling or equipment.

## **Sec. 11-2-4 Penalty Clause**

Any person who fails to comply with the provisions of this Ordinance or resists enforcement shall, upon conviction thereof, be subject to a forfeiture and such additional penalties as provided for in Section 1-1-7 of the City of Elroy Code of Ordinances.

## **Sec. 11-2-5 Effective Date**

This Ordinance shall be effective upon passage and publication as provided by law.