

## CHAPTER 15

### REGULATIONS AND REQUIREMENTS FOR THE ENCLOSURE OF OUTSIDE SWIMMING POOLS IN THE TOWN OF FREEDOM

#### 15.01 INTRODUCTION

(1) Purpose. The purpose of this ordinance is to promote the public health, safety and general welfare by preventing or limiting access to outside swimming pools by children.

(2) Applicability. The regulations of this ordinance shall apply to all outside swimming pools. All existing outside swimming pools must provide the enclosure required herein within six months of the effective date of adoption of the Code of Ordinances. Failure to provide the required enclosure within 6 months of the effective date of adoption of the Code of Ordinances shall be deemed a violation of this ordinance. No permit shall be issued for the installation, alteration, remodeling or relocation of an outside swimming pool, except in conformity with the enclosure requirements herein.

(3) Definitions. An “outside swimming pool” is defined as any outside structure, basin, chamber or tank containing or capable of containing an artificial body of water for swimming, wading or bathing having a depth of greater than two feet at any point when filled to capacity.

#### 15.02 ENCLOSURE REQUIREMENTS

All outside swimming pools, whether in-ground or above-ground, shall be enclosed with an adequate and secure fence or wall not less than 42 inches high above the adjoining grade to prevent access to the swimming pool. The enclosure shall be constructed to prevent passage of a six-inch diameter sphere between members or under fence members. Access to the enclosure shall be provided by a gate with self-closing and self-latching devices which shall be on the inside of the gate not less than 30 inches above ground level. An alternative to the required fencing for in-ground pools would be the installation and use of an automatic safety cover that complies with Section F1346 of the American Society for Testing and Materials (ASTM). Above-ground pools that are at least 42 inches high at all points around the pool, or that have railings or platforms that are at least 42 inches above ground, are not required to be enclosed with a fence or wall but the ladders or stairways providing access shall be sufficiently secured with a self-closing/self-latching gate to prevent entry when the pool is not in use.

(Amended: 24 March 2022; Ord. No. 22-01)

### **15.025 MAINTENANCE**

All outside swimming pools, appurtenant decks and enclosures shall be maintained and kept in good repair. Water contained within the pools shall be kept clean and free of debris.

### **15.03 PERMITS**

A building permit is required for the installation, remodeling, or relocation of any outside swimming pool. All installations and operations of outside pools shall conform to the Wisconsin Plumbing and Electrical Code.

### **15.04 ENFORCEMENT**

(1) Penalties. A person who violates any provision of this ordinance or any order made hereunder shall, upon conviction, pay a forfeiture, as established by the Town of Freedom Schedule of Fees and Fines, for each offense, together with the costs of prosecution. Each day that a violation continues to exist shall constitute a separate offense.

(2) Notice of Violation. If the Town finds that any of the provisions of this ordinance are being violated it shall notify, in writing by registered or certified mail, the person(s) responsible indicating the nature of the violation and ordering the action necessary to correct the violation. Whenever a person shall have been notified in writing that he is in violation of the provisions of this ordinance, such person shall commence correction of all violations within ten (10) days of notice and shall correct all violations within forty-five (45) days of notice. If such corrections are not commenced within ten (10) days of written notice or not corrected with forty-five (45) days of written notice, each day that a violation continues shall be considered a separate offense.