

CHAPTER 15

AN ORDINANCE ESTABLISHING REGULATIONS AND REQUIREMENTS FOR THE ENCLOSURE OF OUTSIDE SWIMMING POOLS IN THE TOWN OF FREEDOM

The Town Board of the Town of Freedom, Outagamie County, Wisconsin, do ordain as follows:

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, including those existing prior to the effective date of adoption of this ordinance. All existing outside swimming pools must provide the enclosure required herein within six months of the effective date of adoption of this ordinance. Failure to provide the required enclosure within 6 months of the effective date of adoption of this ordinance shall be deemed a violation of this ordinance. No permit shall be issued for the installation, alteration, remodelling 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. 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 to prevent entry when the pool is not in use.

15.03 PERMITS. A building permit is required for the installation, remodelling, 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

Penalties. An person who violates any provision of this ordinance or any order made hereunder shall, upon conviction, forfeit not less than \$100.00 nor more than \$200.00 for each offense, together with the costs of prosecution. Each day that a violation continues to exist shall constitute a separate offense.

Notice of Violation. If the Building Inspector finds that any of the provisions of this ordinance are being violated, he 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.

15.05 EFFECTIVE DATE. This ordinance shall take effect upon passage and publication as provided by law.



Gary Van Hoof

ATTEST:



Chris Evers



Barbara Seegers



Le Roy Brockman