

**STATE OF WISCONSIN
WAUKESHA COUNTY
VILLAGE OF BUTLER**

ORDINANCE 20-04

Ordinance Amending Section 50-602 of the Municipal Code with regard to Swimming Pools

WHEREAS, the Village Board of the Village of Butler, Waukesha County ordains that the following sections of the Municipal Code are hereby repealed, recreated, or amended to read;

Section One: Sec. 50-602 **Swimming Pools**

- (a) Definition. A permanent private or residential swimming pool is an outdoor structure containing a body of water in a hard sided structure with PVC or Steel framing or other permanent container having a depth for water at any point greater than 1½ feet 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.

A temporary private or residential swimming pool are pools that are constructed so that they may be readily disassembled to its original integrity and are less than 20 feet in diameter.

- (b) Exempt pools. Storable children's swimming or wading pools, with a maximum dimension of 15 feet and a maximum wall height of 15 inches and which are so constructed that they may be readily disassembled for storage and reassembled to their original integrity, are exempt from the provisions of this section.
- (c) Permit required for Swimming Pools. Permanent private swimming pools are permitted, upon the issuance of a building permit, in the rear yard in any district, except the C-1 Conservancy District, the FWO Floodway Overlay District, or the FFO Floodplain Fringe Overlay District. 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. The building permit application shall show the location and dimensions of the pool; the volume of water in gallons; the location of the required fence and other means of securing the pool; and the location of all pool appurtenances. No work or any part of the work shall be commenced until a written

permit for the work is obtained by the applicant. The minimum building permit fee pursuant to the village building code shall accompany the application.

Temporary private swimming pools shall abide by the same permitting, location, and safety regulations of permanent pools but are exempt from fencing or decking requirements provided they have a locking or tip-up ladder.

(d) Construction requirements. In addition to the 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 (b) of this section, unless the following construction requirements are observed:

- (1) All materials and methods for construction in the construction, alteration, addition, remodeling or other improvements and pool installation shall be in accord with all state regulations and codes and with any and all ordinances of the village now in effect or enacted.
- (2) All plumbing work shall be in accordance with all applicable ordinances of the village 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 or in the general vicinity.
- (3) All electrical installations, including lighting and heating 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 village ordinances regulating electrical installations.

(e) Setbacks and other requirements.

- (1) Private swimming pools shall be erected or constructed on rear or side lots 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 the 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 this chapter for an accessory building, but in no case shall the water line of any pool be less than three feet from any lot line.

(f) Fence.

- (1) Permanent 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 the swimming pool of such a design and material that the same can be securely fastened in place and when in place shall be capable of sustaining a person weighing 250 pounds. The cover or protective device shall be securely fastened in place at all times when the swimming pool is not in actual use for swimming or bathing purposes. The fence or wall shall not be less than four feet or more than five feet in height and so constructed as not to have voids, holes or openings larger than four inches in one dimension.

- (2) The pool enclosure may be omitted where portable pools are installed aboveground and have a raised deck around the entire pool perimeter with an attached enclosed railing or uncovered sidewall railing a minimum of 36 inches high, provided that ladder or stairs access can be restricted.
- (3) Access to swimming pools shall be controlled. Access to inground swimming pools shall be controlled by a self-latching gate and all the gates shall be kept securely closed and locked at all times when the owner is not present at the pool. For an aboveground swimming pool, a tip-up ladder may be provided in lieu of a gate. There shall furthermore be no uncontrolled access from a residence to the pool area.
- (g) Electrical service. Swimming pools shall not be constructed directly under or over electric transmission lines or within ten feet of overhead electrical transmission lines. All electrical connections to a swimming pool shall be properly grounded to that no electrical current can be discharged into any part of the swimming pool or the surrounding fence.
- (h) Draining and approval thereof. No private swimming pool shall be constructed so as to allow water therefrom to drain into any sanitary sewer or septic tank or 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 the installation shall be subject to prior approval by the building inspector.
- (i) Filter system required. All private swimming pools within the meaning of this article must have, in connection therewith, some filtration system to ensure proper circulation of the water therein and maintenance of the proper bacterial quality thereof.
- (j) 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.
- (k) Miscellaneous provisions.
 - (1) Heating units, pumps, and filter equipment shall be screened from view, and shall be adequately housed and muffled;

- (2) No lighting installed around swimming pools shall throw any rays onto adjacent properties; and
- (3) Swimming pool installations shall comply with any additional requirements for private swimming pools set forth in the village building code.
- (4) Temporary swimming pools shall not be installed prior to May 1st and shall be removed by October 1st, annually.

Section Two: Severability: In the event that any provision of this Ordinance is for any reason held to be invalid, unconstitutional, or unenforceable by any court of competent jurisdiction, such portions of this Ordinance shall be deemed separate, distinct and independent provisions of the Ordinance and all remaining portions of this Ordinance shall remain in full force and effect.

Section Three: All ordinances or parts of ordinances conflicting with the provisions of this ordinance are hereby to such extent repealed.

Section Four: This ordinance shall take effect and be in force after its passage and posting pursuant to law.

PASSED and ADOPTED by the Village Board of the Village of Butler, Waukesha County, Wisconsin, this the 21st day of July, 2020.

VILLAGE OF BUTLER

By: Patricia Tiarks
Patricia Tiarks, President

ATTEST:

Kayla Thorpe
Kayla Thorpe, Village Administrator/Clerk