

**VILLAGE OF CLEVELAND
MANITOWOC COUNTY, WISCONSIN
ORDINANCE NO. 2018-O-01**

**AN ORDINANCE TO REPEAL AND REPLACE ARTICLE I *Swimming Pools*
of the Village of Cleveland Code of Ordinances**

The Village Board of the Village of Cleveland, Manitowoc County, Wisconsin, pursuant to its police powers and Sections 61.34, Wis. Stats., do ordain as follows:

Section 1. The Village Board of Cleveland do repeal and replace Article I, Village of Cleveland Code of Ordinances, as provided below.

ARTICLE I. POOLS AND POOL DECKS

Sec. 10-1-110. Pools regulated.

No person shall construct, install or enlarge a pool except in accordance with the following regulations.

Sec. 10-1-111. Definitions.

- (a) A “pool” is defined as a receptacle for water, or an artificial pool of water, whether above or in ground, used or intended to be used by the owner, family, or invited friends for recreation without financial gain, and includes all structures, equipment, appliances and appurtenances intended for the operation and maintenance of the pool.
- (b) “Public pool” is defined as any pool operated for financial gain.

Sec. 10-1-111. Types of pools requiring permits.

- (a) Above-ground pools, except temporary pools which are removed seasonally for indoor storage within eight (8) months of setup outdoors.
- (b) In-ground pools.
- (c) Public pools. NOTE: Public pools are not allowed on any premises zoned residential or agricultural.
- (d) Outdoor spas.

Sec. 10-1-112. General pool regulations.

- (a) *Location.*
 - (1) No person, firm or corporation shall have a pool located in the front yard or side yard setback unless specifically allowed in the zoning code.
 - (2) Side and rear yard setbacks shall be a minimum of ten (10) feet from the property line or as regulated by the local zoning code, whichever is greater.
 - (3) Pools, other than outdoor spas, shall not be located closer than four (4) feet to any wall, fence or structure.
 - (4) Pools shall be located from well and septic systems in accordance with Chapter SPS 383, Wisconsin Administrative Code.

- (c) *Access.*
- (1) For pools requiring a permit, a fence or other solid structure of not less than three and one-half (3.5) feet in height shall completely enclose the premises or pool. There shall be no opening in the fence or other solid structure larger than six (6) inches square. All gates or doors shall be kept securely closed at all times while the pool is unattended and shall be equipped with self-closing and self-latching devices capable of keeping the door or gate securely closed. Latches shall be located at least three (3) feet above the ground, accessible deck or stairs.
 - (2) A fence is not required around a temporary pool; around an above-ground pool with an ASTM F1346-91 dome or lockable cover; or around an above-ground pool where the pool wall is at least three and one-half (3.5) feet above grade for the full pool perimeter. The finished grade shall be maintained for a minimum of four (4) feet beyond the outside perimeter of the pool, other than an outdoor spa, which shall have no finished grade requirement. All ladders, steps, pool pump/filter equipment or other means of access shall be removed and/or designed to prevent access when the pool is unattended.
- (d) *Pool decks.*
- (1) Decking shall be considered an integral part of the pool and shall comply with the applicable setback dimensions per the local zoning code.
 - (2) SPS 321.225 (1) and (2), Wisconsin Administrative Code, are adopted by reference and shall apply to attached and detached pool decks, with the following exception:
 - a. Detached decks not serving as part of the means of egress from the dwelling unit shall not be required to have frost-protected footings but shall have footings placed on non-organic material at a uniform depth below grade.
 - b. NOTE: This exception would typically apply to “detached” pool, spa, patio and other yard decks. All other provisions of this section would apply.
- (e) *Drainage.* Water drained from a pool must be absorbed on its own site or discharged to Village streets or gutters, so as not to affect abutting parcels.
- (f) *Lighting.* Lights shall be erected so as to eliminate direct rays and minimize reflected rays of light onto adjoining properties and roadways. Lighting installation shall be done in accordance with the Wisconsin state electrical code.
- (g) *Electrical.*
- (1) All electrical installation associated with a pool shall require a permit and be performed by a licensed electrical contractor in accordance with the Wisconsin state electrical code.
 - (2) Pools shall be separated from overhead and underground electrical wiring in accordance with the Wisconsin state electrical code.
- (h) *Equipment.* Equipment such as circulating pumps and filters shall be located and operated so as not to create a nuisance or a noise problem and, for pools requiring a permit, shall be shielded or built behind a protective barrier.
- (i) *Sanitation.* A pool and its appurtenant facilities shall be kept clean and in a sanitary condition.

Section 10-1-113. Application for permit.

The following information at a minimum is required to apply for a pool permit:

- (a) Survey or accurate drawing of the property showing all existing structures, proposed pool location, fencing, and overhead or underground electrical wiring.
 - (1) Type of installation: above-ground or in-ground.
 - (2) Pool dimensions, including height above highest point of grade, if an above-ground installation.
 - (3) Type, height and location of fencing, whether existing or proposed.
 - (4) Decking type, support, materials, and whether attached or detached, if proposed.

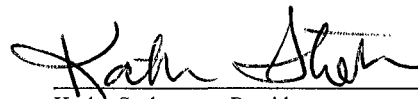
- (5) Stairway height, width, railing, and materials, if proposed.
- (6) Location and dimension of (1)-(5), including setbacks from buildings and lot lines.
- (7) Any change in finished grade near the pool.
- (b) Copy of the brochure or other manufacturer's documentation showing the type, style, etc., of the pool or spa to be installed.
- (c) Permit application fee, in the amount as determined by the Village Board from time to time.

Section 2.

This ordinance shall become effective the day after posting as required by law.

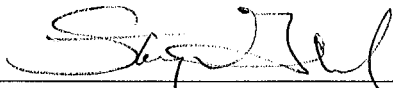
Adopted this 15th day of May, 2018.

VILLAGE OF CLEVELAND



Kathy Stolzmann, President

ATTEST:



Stacy Grunwald, Director of Village Services

MOTION: JOEL ROEHRIG/TERRY GOTTSACKER

VOTE: 7 Ayes 0 Noes 0 Abstentions

EFFECTIVE DATE: 05/17/2018