

# VILLAGE OF WRIGHTSTOWN

## NOTICE OF PUBLIC HEARING

Tuesday, April 19, 2022

Notice is hereby given, that a Public Hearing will be held before the Village of Wrightstown Board of Trustees, Brown/Outagamie Counties, Wisconsin, on **Tuesday, April 19, 2022, after the Committee of the Whole Meeting at 6:00 pm, in the Village Hall Community Room, 352 High St, Wrightstown, Wisconsin**, for the purpose of hearing from all persons and/or their agents on the following:

**Repeal of Chapter 174 Swimming Pools to be replaced with Chapter 174 Swimming Pools, Hot Tubs, Spas and Backyard Ponds**

### **Chapter 174 Swimming Pools**

~~[HISTORY: Adopted by the Village Board of the Village of Wrightstown 8-16-1994 by Ord. No. 081694F. Amendments noted where applicable.]~~

#### ~~§ 174-1 Purpose.~~

~~The purpose of this chapter is to provide protection and safety of individuals, provide land use controls and provide for the general health and welfare of the neighborhood.~~

#### ~~§ 174-2 Application.~~

~~This chapter shall apply to all new, remodeled, altered and relocated private outside swimming pools located in the Village of Wrightstown.~~

#### ~~§ 174-3 Definitions.~~

~~As used in this chapter, the following terms shall have the meanings indicated:~~

#### ~~SPA or HOT TUB~~

~~A hydro-massage pool or tub for recreational or therapeutic use, designed for immersion of users, and usually having a filter, heater and motor-driven blower.~~

#### ~~SWIMMING POOL~~

~~When used in this code, shall mean any permanent depression in the ground or any permanent above or below ground container in which water more than 18 inches deep is contained and which is used primarily for the purpose of bathing or swimming. For the purposes of this section, the term "permanent" shall mean a device which remains in place year-round and is not dismantled, stored, moved or removed on a seasonal basis. This definition does not include decorative ponds and such temporary devices as children's wading pools, inflatable pools or similar devices, regardless of water depth.~~

~~[Amended 3-6-2007 by Ord. No. 03062007]~~

**§ 174-4 Permit required.**

~~A.—No person, firm or corporation shall have installed on their property a swimming pool, hot tub or spa without first obtaining a permit from the Village of Wrightstown Building Inspector.~~

~~B.—Permit applications shall be accompanied by full dimensioned plans drawn to scale, in duplicate, showing the following information:~~

~~(1)—Location of swimming pool on lot, distance from lot lines, easements and structures.~~

~~(2)—Location of overhead and/or underground electrical wiring to proposed swimming pool.~~

~~(3)—Swimming pool dimensions.~~

~~(4)—Type, location and height of fence.~~

~~(5)—Type and location of decking, if proposed.~~

~~(6)—Permit fees shall be as set forth in Chapter 102, Fees and Penalties.~~

**§ 174-5 Location.**

~~A.—Swimming pools shall not be allowed in the front yard, corner side yard or interior side yard setbacks.~~

~~B.—Interior side yard and rear yard setbacks shall be a minimum of 10 feet from the property line.~~

~~C.—Swimming pools shall not be located closer than five feet to any wall, fence or structure other than a deck.~~

~~D.—Swimming pools shall not be located in utility or drainage easements.~~

~~E.—No connection shall be made to the sanitary sewer or septic systems.~~

**§ 174-6 Fence.**

~~A.—A fence or other solid structure of not less than five feet in height shall completely enclose said premises and/or pool. Fences shall be located a minimum of four feet beyond the outside perimeter of the swimming pool. There shall be no opening in said fence or wall larger than four inches square. All gates or doors opening through such enclosure shall be kept securely closed at all times while unattended and shall be equipped with a self-closing and self-latching device designed to keep such door or gate securely closed. Latches shall be located at least 48 inches above the grade, accessible deck or stairs.~~

~~B.—Fences must be able to withstand 200 pounds' force in any direction and shall be~~

~~properly maintained.~~

~~C.—Fence kits which mount directly to a pool wall are permitted, provided that the overall finished height is not less than five feet above ground. All steps, ladders or other means of access to an aboveground pool shall be removed or designed to prevent access when the pool is unattended.~~

~~D.—Plastic domes are permitted for use to safeguard access to aboveground swimming pools, provided that all steps, ladders or other means of access to an aboveground pool is unattended. The opening into the dome shall also be secured to prevent access when the pool is unattended.~~

~~§ 174-7 **Swimming pool decks.**~~

~~All decks shall be constructed in accordance with the State of Wisconsin Uniform Dwelling Code. Decking shall be considered an integral part of the swimming pool and shall comply with the applicable setback requirements. Decks shall be a minimum of four feet in width, measured at right angles to the pool wall. All stairways leading to a deck, including a five-foot distance beyond each side of the stairway, shall be protected by a five-foot height gate and fence.~~

~~§ 174-8 **Drainage.**~~

~~In no case shall any swimming pool be drained onto lands of property owners other than the owner of the swimming pool.~~

~~§ 174-9 **Lighting.**~~

~~Lights shall be erected so as to eliminate direct rays of light onto adjoining properties and roadways. Lighting installation shall be done in accordance with the State of Wisconsin Electrical Code authorized by an electrical permit.~~

~~§ 174-10 **Safety devices.**~~

~~Every swimming pool which has a capacity of water exceeding four feet in depth at any point shall be equipped with at least one life preserver and/or other safety device.~~

~~§ 174-11 **Sanitation.**~~

~~A filtration system shall be provided and maintained in proper working order. The swimming pool shall be kept clean and in sanitary condition at all times.~~

~~§ 174-12 **Violations and penalties.**~~

~~[Added 11-30-1999 by Ord. No. 113099B]~~

~~Any person who shall violate any provision of this chapter or who shall fail to obtain a permit as required herein shall, unless otherwise indicated, be subject to a penalty as provided in Chapter 1, General Provisions, § 1-18.~~

**Chapter 174**  
**Swimming Pools, Hot Tubs, Spas and Backyard Ponds**

**(1) Purpose.** The purpose of this section is to provide for the health, safety and welfare of all individuals and to provide land use controls in the village.

**(2) Application.** This section shall apply to all new, remodeled, altered and relocated private swimming pools, hot tubs, spas and ponds.

**(3) Definitions.** The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

*Portable pool* means a container of water less than 18 inches in depth that can be readily be disassembled for storage and reassembled to its original integrity.

*Spa or hot tub* means a hydro massage pool or tub for recreational or therapeutic use, designed for immersion of users, which may or may not have a filter, heater and motor driven blower.

*Swimming pool* means any depression in the ground, either temporary (installed for a period of less than seven days) or permanent (installed for a duration of more than seven days), or an above ground or below ground container of water, either temporary or permanent, which is 18 inches or greater in depth used primarily for the purpose of wading or swimming, excluding portable pools.

*Backyard ponds or landscape pond* means any naturally occurring or manmade depression in the ground containing or detaining water, either temporary or permanent which is 18 inches or greater in depth and is used for the purpose of a fish pond or landscape water garden. The definition does not include retention or detention ponds used for a storm water management plan required by the village

**(4) Permit required.** Before commencing the construction and installation of a swimming pool, hot tub, spa, or pond, a permit authorizing such construction must be obtained from the building inspector. Permit applications shall be accompanied by fully dimensioned plans showing the following information:

- a) Location of swimming pool, hot tub, spa or pond on the lot showing the distance from property lines, easements and structures;
- b) Location of overhead and/or underground wiring in relation to swimming pool, hot tub, spa, or pond;
- c) Dimensions and depth of swimming pool, hot tub, spa or pond;
- d) Type, location and height of fence either if existing or proposed;
- e) Type, dimensions and location of deck if proposed.

**(5) General requirements.**

- a) **Swimming pools, hot tubs, spas, and ponds shall not be allowed in the front yard and interior side yard building setbacks of interior lots.**
- b) **Swimming pools, hot tubs, spas and ponds shall not be allowed in the front yard, corner side yard and interior building setbacks of corner lots.**
- c) **Interior side yard and rear yard setbacks for swimming pools, hot tubs, spas and ponds shall be a minimum of ten feet measured from the property line.**
- d) **Swimming pools shall not be located closer than five feet to any structure other than a deck.**
- e) **Swimming pools, hot tubs and spas shall not be located in utility or drainage easements and shall not be located in a conservancy. Created: 2022 03 15 Page 2 of 3**
- f) **All plumbing shall meet the requirements of the state plumbing code SPS 382.85.**
- g) **All electrical work shall meet the requirements of the state electrical code, SPS 316 and the National Electrical Code 680.9.**

**(6) Fence requirements.**

- a) **A fence of not less than four feet in height, measured from grade, shall completely enclose all swimming pools, hot tubs, spas and ponds with the following exceptions:**
  - 1) **Hot tubs and spas do not need fence protection as long as their covers can be fastened and are key locked when unattended and shall be able to withstand 150 pounds.**
  - 2) **Where decks surround or adjoin an aboveground swimming pool, hot tub, spa or pond, a three-foot minimum height guardrail mounted to and measured from the deck surface to the top of the guardrail will be considered as meeting the fencing requirements as long as the design and construction regulations of this section are complied with and the overall vertical measurement from grade (ground) level to the top of the guardrail is a minimum height of four feet. Sides of stairs and gates leading to a deck shall also comply with the requirements of this section. Interior side yard and rear yard setbacks for a detached deck surrounding a swimming pool, hot tub, or spa shall be measured ten feet from the property line.**

- 3) Ponds may be exempt from the fence requirements if an approved wire screen, mesh or grate is placed and maintained three to four inches below the waterline of sufficient strength to withstand a weight of 100 pounds.
- b) Fences shall be located a minimum of four feet beyond the outside perimeter of a swimming pool, hot tub, spa or pond.
- c) Fences shall be constructed and designed so as to prevent penetration of an object greater than four inches in diameter through or under the fence.
- d) Fences shall be able to withstand 200 pounds of force in any direction and shall be properly maintained in a good state of repair and appearance.
- e) Fences with horizontal boards, spaced more than one inch apart, creating foot and handholds which may facilitate climbing, are prohibited.
- f) All gates or doors opening through a fence enclosure shall be kept securely closed at all times while unattended and shall be equipped with a self-closing and self-latching device designed to keep such gate or door securely closed. Gates must open outward, away from the pool. Self-closing latches must be located on the inside of the gate and have a release mechanism located at least 5" below the top of the gate. The gate and fence shall have no opening greater than 1/2" within 18" of the latch mechanism. All gates or doors shall comply with all other height and structural requirements of this section.
- g) Portable pools do not need fence protection but must be drained or covered in such a manner as to provide public safety when left unattended.
- h) To ensure public safety, variances for lesser fence heights than specified in this section shall not be granted.
- i) Exceptions. Fencing shall not be required if the following are provided: 1. Pools, ponds, or spas with locking and solid structural covers. Such covers shall be in place whenever the pool, pond, or spa is not in use and/or unsupervised by an adult.

7) *Shielding lights.* Lights used to illuminate any residential swimming pool, hot tub or spa shall be so arranged and shaded as to reflect light away from adjoining premises. Created: 2022 03 15 Page 3 of 3

8) *Drainage.* In no case shall any swimming pool, hot tub, or spa be drained on to properties other than that of the owner of the swimming pool, hot tub or spa.

9) *Sanitation.* Filtration systems shall be maintained in proper working order. The swimming pool, hot tub or spa shall be kept clean and in sanitary condition at all times.

**10) *Unnecessary noise.* No person shall make, continue or cause to be made or continued, at any swimming pool, hot tub, or spa any loud, unnecessary or unusual noise or any noise which annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others. In the operation of the swimming pool, hot tub or spa, the use or permitting the use or operation of any radio, receiving set, musical instrument, phonograph or other machine or device for the producing of sound in such a manner as to disturb the peace, quiet and comfort of the neighboring inhabitants, or at any time with louder volume than is necessary for convenient hearing of the persons who are in the residential swimming pool, hot tub or spa premises, shall be unlawful, enforcement will follow 146-11.**

**11) *Interference with enjoyment of property rights.* No residential swimming pool, hot tub or spa, shall be so located, designed, operated or maintained so as to interfere unduly with the enjoyment of the property rights of owners of property adjoining such residential swimming pool, hot tub, or spa, or located in the neighborhood**

Following the Public Hearing and while in regular session, the Village Board will take action on this request.

Copies of current Chapter 206 Zoning are available online at [www.wrightstown.us](http://www.wrightstown.us), via email or can be viewed at Wrightstown Village Hall during Village Clerk hours:

Monday, Wednesday, Thursday 8:00 a.m. - 4:30 p.m.

Tuesday 8:00 a.m. - 6:00 p.m.

Friday 8:00 a.m. – 12:00 p.m.

PH: (920) 532-5567 x 12

Email: [mseidl@wrightstown.us](mailto:mseidl@wrightstown.us)

Dated this 7<sup>th</sup> day of April, 2022

Michelle Seidl  
Clerk/Treasurer