

## ORDINANCE NO. 21-05

### ORDINANCE TO AMEND 95-74(a)(4) OF CHAPTER 95 OF THE MUNICIPAL CODE PRIVATE SWIMMING POOLS

THE VILLAGE BOARD OF THE VILLAGE OF KEWASKUM, WASHINGTON COUNTY, WISCONSIN, DO  
ORDAIN AS FOLLOWS:

**Section 1.** That Sections 95-74(a)(4) of the Municipal Code of the Village of Kewaskum, relating to Private Swimming Pools, should be amended as follows:

Sec. 95-74. - Accessory use regulations.

Accessory uses are permitted in any district as may be specified in the appropriate district regulations or herein. An accessory use building permit shall be required where specifically noted in this section. Accessory uses are permitted only after their principal structure is present or under construction. The use and/or location requirements stipulated elsewhere in this Ordinance may be modified for accessory uses as follows:

- (a) *Accessory uses and detached accessory structures.* Accessory uses and detached accessory structures shall be permitted in the rear yard only, unless otherwise specified. Accessory structures shall not occupy more than 20 percent of the rear yard in all districts except the business and manufacturing district where such structures shall not occupy more than 50 percent of the rear yard.
4. *Private swimming pools.* Private swimming pools, upon the issuance of a building permit, provided that:
  - a. All private swimming pools shall be surrounded by a fence or wall not less than four feet or more than six and one-half feet in height designed to prevent unguarded entry to the pool. There shall be no opening in said fence or wall larger than six square inches. The space between the bottom of a fence and the surface underneath shall not exceed four inches. Sidewalls of aboveground pools which are at least four feet high may be used in lieu of a fence.
  - b. Access to private swimming pools shall be controlled to prevent unguarded entry into a pool. Access to inground pools shall be controlled by a self-closing and self-latching gate and all such gates shall be kept securely closed and locked at all times when the pool is unattended. Latches shall be located at least three and one-half feet above ground, deck, or stairs. When not completely fenced, all ladders, steps, or other means of access to an aboveground pool shall be removed and/or designed to prevent access, such as a tip-up ladder, when the pool is unattended.
  - c. Swimming pools shall not be constructed directly under or over electric transmission lines or within 15 feet of such lines. If the electric lines are underground, this separation distance may be reduced to five feet. All electrical connections to a swimming pool shall be properly grounded so that no electrical current can be discharged into any part of the swimming pool or surrounding fence. All electrical installations shall comply with the National Electric Code or these regulations, whichever are more restrictive.
  - d. All pools shall be maintained in such a way as to not create a nuisance, hazard, eyesore, or be a detriment to public health, safety, or welfare. The drainage of any pool may not be discharged onto adjoining property. The pool may, however, be drained into village streets or gutters which empty into the village's storm sewer.
  - e. Equipment shall be provided for the disinfection of all pool water. No gaseous chlorination shall be permitted.

- f. No lighting installed around swimming pools shall throw any rays onto adjacent properties.
- g. Heating units, pumps, and filter equipment shall be adequately housed and muffled in such a manner as not to create a nuisance. Such equipment shall be located no closer than ten feet to a lot line.
- h. There shall be an unobstructed areaway around all pools of at least three feet in width.
- i. No private swimming pool shall be located closer than ten feet to a lot line and detached structures, with the exception of air conditioners, playsets, patios, and compost bins. The zoning administrator may grant a waiver from the requirement that a swimming pool be located at least ten feet from a structure and permit such swimming pool within five feet of the structure. The zoning administrator shall consider the health, safety, general welfare, and aesthetics of the proposed construction before granting such a waiver.
- j. Private swimming pools, together with other accessory structures regulated by section 95-74, shall not occupy more than 50 percent of the rear yard area.
- k. Exempt pools. Storable swimming or wading pools with a maximum dimension of 10 feet and a maximum wall height of 24 inches, and which are so constructed that it may be readily disassembled for storage and reassembled to its original integrity, are exempt from the provisions of this section provided they are securely covered or emptied when not in use.

**Section 2.** Severability. The several sections of this Ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and shall not affect the validity of any other provisions, sections or portions thereof of the Ordinance. The remainder of the Ordinance shall remain in full force and effect. Any other Ordinances whose terms are in conflict with the provisions of this Ordinance are hereby repealed as to those terms that conflict.

**Section 3.** This Ordinance shall take effect immediately upon passage and publication as provided by law.

Passed and adopted by the Village Board of the Village of Kewaskum, Washington County, Wisconsin, this 20th day of September, 2021.

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Kevin Scheunemann  
Village President

ATTEST:

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Tammy Butz  
Village Clerk