



Town of Saukville Ordinance No. 2022- 06

**AN ORDINANCE AMENDING SECTION 16.79 and 27.01
OF THE ZONING CODE, TOWN OF SAUKVILLE, WISCONSIN,
ALLOWING SWIMMING POOLS AS A PERMITTED USE IN ALL RESIDENTIAL AND
AGRICULTURAL DISTRICTS AND AMENDING SWIMMING POOL REGULATIONS**

WHEREAS, it is deemed to be in the best interest of the Town of Saukville that the Zoning Code of the Town of Saukville be further modified and amended in the manner hereinafter more particularly set forth; and

WHEREAS, a Notice of Public Hearing before the Town Plan Commission was duly published in the *Ozaukee Press* on November 23, 2022, and November 30, 2022; and

WHEREAS, a Public Hearing was held before the Town Plan Commission on December 13, 2022, regarding the proposed Amendment to the Town's Zoning Code; and

WHEREAS, based on the above, it is deemed to be in the best interest of the Town of Saukville that the Zoning Code of the Town of Saukville be further modified and amended in the manner hereinafter more particularly set forth below.

NOW, THEREFORE, the Town Board of the Town of Saukville does hereby ordain as follows:

Section 1:

Section 16.79 of the Town of Saukville Code of Ordinances is amended as provided below by removing the crossed-out language adding the underlined language allow swimming pools in all residential and agricultural districts where swimming pools are permitted and adding requirements for enclosures and fencing of swimming pools:

SECTION 16.79

SWIMMING POOL (Private, Outdoor)

~~Approval of a Conditional Use Permit is required for this use and~~ The following requirements shall be met for swimming pools ~~located in residential districts.~~

A. Enclosure and Fencing.

1. ~~Except as provided in Sections 16.79(A)(6.) and (7).~~ every person, ~~or lessee of~~ owning land upon which there is situated a swimming pool that contains twenty-four inches or more of water depth at any point, shall erect and maintain thereon an adequate enclosure surrounding the pool area.
2. ~~Except as provided in Sections 16.79(A)(6.) and (7).~~ ~~private~~ swimming pools shall be enclosed with an enclosure or fence not less than four feet in height above the ground. Such enclosure or fencing shall be equipped with self-closing and self-latching gate(s) and shall be designed so as to make the swimming pool inaccessible to children. Latches to said gate(s) shall be designed so as to make the swimming pool inaccessible to children. Latches to said gate(s) shall be placed at least four feet from the ground. For above ground swimming pools, the pool side shall count towards the minimum required fence height.
3. Enclosures and fences shall be constructed so as to prohibit the passage of a sphere larger than four inches in diameter through any opening or under the enclosure of fence.
4. Enclosures and fences shall be designed to withstand a horizontal concentrated load of 200 pounds applied on a one square foot area at any point of the enclosure or fence.
5. If a pool is higher than four feet and has a ladder, the ladder shall be able to be locked in an up position.
6. A fence or enclosure is not required around any above-ground swimming pool if the pool wall is at least forty-eight (48) inches in height, provided that ladders, steps, or other means of access to the pool are removed and/or designed to prevent access when the pool is unattended.
7. A fence or enclosure is not required around any swimming pool with an approved safety pool cover, as defined in Section 27.01, provided that safety pool cover is securely fastened in place, covering the entirety of the swimming pool, when the swimming pool is unattended.

B. Location and Placement.

1. A ~~private~~ pool shall not occupy front or side yards, except for corner lots. Pools and their surrounding decking shall be permitted within one front yard, which functions as a side yard, provided the pool or decking is located no more than 10 feet into the required front yard as measured from the rear line or the front yard. However, in districts requiring side yards greater than 10 feet, this permitted intrusion shall be increased up to a distance equal to said required side yard.

2. For double frontage lots, pools and their surrounding decking shall be permitted within the front yard which functions as a rear yard, provided that the pool is screened from the rear street by a fence, wall or hedge.
3. No wall of a swimming pool shall be located less than the required yard setback.
4. No swimming pool shall be located within a horizontal distance of 10 feet from any overhead utility or electrical wiring.
5. No swimming pool shall be placed in any easements.
6. No swimming pool shall be placed closer than 12 feet from any principal structure.

Section 2:

Section 27.01 of the Town of Saukville Code of Ordinances is amended to include a definition for Approved Safety Pool Cover as follows:

Section 27.01
DEFINITIONS

Approved Safety Pool Cover. An approved safety pool cover means a manual or power-operated safety pool cover that meets all of the most-recent ASTM International performance standards for pool covers, currently designated ASTM F1346-91 (2018).

Section 3:

Except as hereinabove specifically modified and amended, the Zoning Code, Town of Saukville, Ozaukee County, Wisconsin, shall remain in full force and effect exactly as originally adopted and previously amended. All ordinances or parts of ordinances inconsistent with or in contravention of the provisions of this Ordinance are hereby repealed.

Section 4:

This Ordinance shall take effect and be in full force from and after its passage and the day after its publication.

Adopted by the Town Plan Commission of the Town of Saukville, Ozaukee County, Wisconsin, at its regularly scheduled meeting on this 20th day of December, 2022.

Kevin Kimmes, Town Chairman

Raquel L. Engelke, Town Clerk

Publication Date: _____, 2022

Posting Date: _____, 2022