

REGULATION OF PRIVATE OUTDOOR SWIMMING POOLS

The Town Board of the Town of Clayton does ordain as follows:

Section 1. Definition – “Swimming Pool” means any structure, basin, chamber, tank or constructed pool, whether in the ground or not, used or intended to be used for recreational or therapeutic bathing, swimming or wading and having a water depth of two (2) feet or more at any place when filled to design capacity, which is not enclosed by walls and a roof.

Section 2. State Codes Apply – Any swimming pool constructed, installed or maintained after the effective date of this ordinance shall be constructed, installed and maintained in accordance with applicable provisions of the building, plumbing and electrical codes of the State of Wisconsin.

Section 3. Fences Required – Every person, whether as owner, lessee, licensee, tenant or purchaser under contract, who is in possession of land within the Town of Clayton on which there is a swimming pool at all times shall have and maintain around such swimming pool, a fence or other solid structure not less than forty-eight (48) inches in height above ground which completely encloses such swimming pool. There shall be no openings permitted in such fences or other solid structures larger than six (6) inches square, except for gates and doors. Any gates in such fences shall have self-closing and self-latching devices which shall be on the inside of the gate at least thirty (30) inches above grade, and shall be designed and able to keep the gate closed at all times when not in actual use.

Section 4. Existing Swimming Pools – Swimming pools in existence on the effective date of this ordinance shall be fenced as required by Section 3 not later than July 15, 1997. Any changes made that require more than 50% reconstruction will need to follow this ordinance.

Section 5. Exceptions – Section 3 shall not apply to the following:

- a. Swimming pools which have walls which are entirely at least forty-eight (48) inches above ground level and which have no stairs, ladder or other access which is not closed by a gate or door required by Section 3, or otherwise rendered inaccessible when the swimming pool is not in use.
- b. Swimming pools which have pool domes or pool covers capable of supporting one hundred (100) pounds per square foot of area and which are fixed and maintained securely in place at all times when an adult is not present.
- c. Properly constructed farm ponds per Winnebago County Code, will not be required to be fenced.

Section 6. Penalty – Any person who shall violate this ordinance shall forfeit not less than \$25.00 nor more than \$200.00 for each offense, together with cost of prosecution, and in default of payment thereof, by imprisonment in the County Jail for a period not exceeding thirty (30) days. Each date, or portion thereof, that such violation continues shall be deemed to constitute a separate offense.

Section 7. Effective Date – This ordinance shall be effective at 12:01 A.M. on the day following its adoption, posting and publication.

Date of adoption. March 17, 1997