



**SWIMMING POOL/SPA REGULATIONS
ARTICLE VIII, CHAPTER CV**

Section 105-340

Definitions

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (a) **"Above-Ground Swimming Pool"** - means any rigid or semi-rigid structure, basin, or other container of water used or intended to be used for wading, swimming, or bathing, having a minimum capacity for water of two (2) feet in depth at any point, whose framework is installed primarily above the level of the adjoining ground.
- (b) **"In-Ground Swimming Pool"** - In-ground swimming pool means any artificial body of water or container of water, either temporary or permanent, used or intended to be used for wading, swimming, or bathing, having a depth at any point greater than two (2) feet, or with a surface area exceeding 200 square feet, whose vertical water enclosing walls are constructed, installed, or maintained wholly or in part below the level of the ground outside or as an adjoining accessory to a residential building or out-building on private property within the village.

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Permit Required

No person, firm or corporation shall have installed on their property a swimming pool without first obtaining the proper permit from the Village of Brown Deer Building Inspector.

- (a) **Pools Requiring Permits.** The following types of pools shall require permits:
1. Above ground pools (except wading pools having a depth of less than two (2) feet and which are readily moveable).
 2. In-ground pools.
 3. Hot tubs and spas (except hot tubs and spas having a depth of less than two (2) feet and which are readily moveable).
 4. Public Pools (all of which shall be built and maintained in accordance with these regulations and those of the Wisconsin department of health services, Wis. Admin. Code ch. COMM 90).
- (b) **Application for Permit.** The following information is necessary to obtain a permit:
1. Survey or accurate drawing of the property, in duplicate, showing all existing structures, proposed swimming pool location, fencing (if required), and the location of overhead or underground electrical wiring.
 2. Pool height above the highest point of grade if above-ground installation.
 3. Type of pool installation, i.e. above-ground or in-ground, hot tub or spa.
 4. Type and height of fence, if proposed.
 5. Type and location of decking, if proposed. A separate permit and approval is required for installation of a deck.
 6. One (1) copy of a brochure which shows the type, style, size, etc. of the pool to be installed.

(c) **Permit Fees**

The fee for a swimming pool, hot tub or spa shall be \$85. Where electrical and/or plumbing work is required, a separate electrical or plumbing permit is required.

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General Pool Regulations

(a) Location

1. No person, firm or corporation shall have a swimming pool located in the front yard or side yard adjoining a street.
2. Side and rear yard setbacks shall be a minimum of five (5) feet from the property line, as regulated by chapter 121.
3. Swimming pools shall not be located closer than four (4) feet to any wall, fence or structure, other than a deck.
4. Swimming pools shall not be located in utility or drainage easements.

(b) Access

1. A fence or other solid structure of no less three and one-half (3 ½) feet in height shall completely enclose said premises and/or swimming pool. Fences shall be located a minimum of four (4) feet beyond the outside perimeter of the swimming pool. There shall be no opening in said fence or wall larger than four (4) square inches. 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 three (3) feet above the ground, accessible deck, or stairs.
2. A fence is not required around an above-ground pool where the pool wall is at least three and one-half (3 ½) 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.
3. When not completely fenced, all ladders, steps, pool pump/filter equipment or other means of access to an above-ground pool shall be removed and/or designed to prevent access when the pool is unattended.
4. Spas shall be made inaccessible by a locking safety cover or other approved safety barrier when not in use.
5. Plastic domes are permitted for use to safeguard access to above ground swimming pools, provided all steps, ladders or other means of access to an above-ground pool shall be removed or designed to prevent access when the pool is unattended. The opening into the dome shall also be secured to prevent access when the pool is unattended.

(c) Swimming Pool Decks

All decks shall be constructed in accordance with subsection (b) of this section. Decking shall be considered an integral part of the swimming pool and shall comply with the applicable setback dimensions per subsection (a) of this section. 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 high gate and fence, as specified in subsection (b)(1) of this section. A deck permit (\$85) is also required.

(d) Drainage

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

(e) 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 state electrical code, authorized by an electrical permit.

(f) Safety Devices

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

(g) Electrical

1. Required electrical wiring supplying all pools shall be installed in accordance with Article 680 of the National Electrical Code. A separate Electrical Permit is required.
2. No overhead or underground electrical wires or raceways shall be located above or below any point which is within a ten- (10) foot horizontal distance to the pool wall. However, to serve the pool pumping equipment, a single locking and grounding type receptacle, protected by a ground-fault circuit-interrupter, may be located to within five feet of the pool wall.

(h) Sanitation

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