



## SWIMMING POOL/SPA REGULATIONS ARTICLE 6, CHAPTER IX

### Section 9-6.01                      Definitions

- (a)     **"In-Ground Swimming Pool"** - In-ground swimming pool shall mean 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 sq. ft., 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 of Brown Deer.
- (b)     **"Above-Ground Swimming Pool"** - Above-ground swimming pool shall mean 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.

### Section 9-6.02                      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**

1.     Above ground pools (except wading pools having a depth of less than (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 public pools constructed shall be built and maintained in accordance with these regulations and the Division of Health and Social Services, Chapter HSS 171.

#### (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 permit fee for installing a swimming pool, hot tub or spa is \$85.00. Where electrical and/or plumbing work is required, a separate Electrical or Plumbing Permit is required.

**Section 9-6.03****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 the Zoning Code.
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 than five (5) 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) 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 forty-eight (48) inches above the ground, accessible deck or stairs.
2. Fence kits which mount directly to a pool wall are permitted provided the overall finish height is not less than five (5) feet above grade. 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.
3. 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 the Brown Deer Building Code. Decking shall be considered an integral part of the swimming pool and shall comply with the applicable setback dimensions per Section 9-6.03 (a) of this Article. Decks shall be a minimum of four (4) feet in width, measured at right angles to the pool wall. All stairways leading to a deck, including a five (5) foot distance beyond each side of the stairway, shall be protected by a five (5) foot high gate and fence as specified in Section 9-6.03 (b) (1) of this Article.

**(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 of Wisconsin Electrical Code, authorized by an Electrical Permit.

**(f) Safety Devices**

Every swimming pool which has a capacity for water exceeding four (4) 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. Exception: 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 (5) 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.