

**ORDINANCE #5-2013**  
**POOL ORDINANCE**

AN ORDINANCE TO REPLACE ORDINANCE #2-2002 CREATING REQUIREMENTS  
WHEN CONSTRUCTING A POOL WITHIN TOWNSHIP BOUNDARIES.

The Holland Town Board, Township of Holland, La Crosse County does ordain as follows:

**SECTION 1.0 INTRODUCTION**

1.01 Purpose

The purpose of this ordinance is to further the maintenance of safe and healthful conditions, promote the public health, safety and convenience and interests of the residents of the Town of Holland. The Town Board of the Town of Holland has determined that it is necessary for the general welfare and safety of the Town that all pools be installed and secured in a uniform and safe manner as prescribed in this ordinance. This ordinance replaces Ordinance #2-2002 in its entirety.

1.02 Authority

The Town Board of the Town of Holland, having been authorized by the Town meeting under Sec. 60.10(2)(c), Wis. Stats., to exercise village powers, hereby exercises village powers under Sections 61.34(1) and 61.50, Wis. Stats.

1.03 Applicability

This ordinance applies to all places of residence and other primary building structures within the Town of Holland.

1.04 Definitions

- (A) Applicant: The owner of a site or an authorized agent of the owner who submits a proposed pool plan for approval.
- (B) Pool: a container either temporarily or permanently constructed upon or within the ground so designed as to contain water exceeding twelve (12) inches in depth and having an area greater than one hundred fifty (150) square feet which is used primarily for swimming.
- (C) Town: the Town of Holland, La Crosse County, Wisconsin.
- (D) Town Board: the board of supervisors for the Town of Holland, La Crosse County, Wisconsin.
- (E) Town Clerk: the clerk of the Town of Holland, La Crosse County, Wisconsin.
- (F) Town Inspector: the person contracted to conduct all building inspections in the Town of Holland, La Crosse County, Wisconsin.

1.05 Severability

This ordinance and its individual provisions are declared to be severable. If any section, clause, provision, or portion of this ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, this decision shall not affect the validity of the ordinance as a whole. All parts of the ordinance not declared invalid or unconstitutional shall remain in full force and effect.

1.06 Conflict.

If any part of this Ordinance is found to be in conflict with any other Ordinance or with any other part of this Ordinance, the most restrictive or highest standard shall prevail. If any part of this Ordinance is explicitly prohibited by federal or state statute that part shall not be enforced.

**SECTION 2.0 GENERAL REQUIREMENTS**

2.01 Minimum Building Requirements

- (A) A pool shall meet all applicable La Crosse County Zoning regulations.
- (B) All pools must be constructed in the rear or side yard and may not be constructed in the front yard or in a designated corner yard.
- (C) The exact location of the property line must be determined before construction of the pool. If help is needed in the location of the property line, the services of a private surveyor at your expense will be required.

2.02 Barrier (Fence) Requirements

- (A) Must completely surround the swimming pool and must obstruct access to the swimming pool.
- (B) Must be at least 4 feet (48 inches) high.
- (C) For above-ground pools:
  - 1. The barrier may be at ground level or mounted on top of the pool structure. If the barrier is mounted on top of the pool structure, the space between the top of the pool structure and the bottom of the barrier cannot exceed 4 inches.
  - 2. The pool structure itself can serve as a part of the required barrier, provided that the pool structure is sufficiently rigid to obstruct access to the pool. However, where an above-ground pool structure is used as a barrier or where the barrier is mounted on top of the pool structure, and the means of access is a ladder or steps, then:
    - a) the ladder or steps shall be capable of being secured, locked or removed to prevent access, or the ladder or steps shall be surrounded by a barrier;
    - b) when the ladder or steps are secured, locked or removed, any opening created shall not allow the passage of a 4-inch diameter sphere.
- (D) A building wall can form part of the required barrier if at least one of the following requirements are satisfied:
  - 1. The pool must be equipped with a powered safety cover;

2. All doors with direct access to the pool through that wall must be equipped with an alarm or other means of protection, such as self-closing doors with self-latching devices, which are approved by the governing body.
- (E) Barriers shall be located so as to prohibit permanent structures, equipment or similar objects from being used to climb the barriers.

### 2.03 Entrapment Protection

*According to the Consumer Products Safety Commission, there are an average of 283 drowning deaths and 2,700 emergency room visits related to swimming pools and spas involving children under the age of five each year. One cause of drowning deaths and injuries is entrapment. Entrapment occurs when a person becomes caught in the strong suction in and around swimming pool and spa drains. In some instances, the suction force around drains is so strong that the bather cannot break free and either drowns or is fatally injured before being rescued.*

- (A) Suction outlets must be designed to produce circulation throughout the pool or spa.
- (B) Single outlet systems, such as automatic vacuum cleaner systems, or other such multiple suction outlets whether isolated by valves or otherwise, must be protected against user entrapment.
- (C) Suction Fittings: All pool and spa suction outlets (except surface skimmers) must be provided with:
1. a cover that conforms with reference standard ANSI/ASME A112.19.8 Suction Fittings for Use in Swimming Pools, Wading Pools, Spas, Hot Tubs, and Whirlpool Bathtub Appliances; or
  2. a drain grate that is 18 inches x 23 inches or larger; or
  3. an approved channel drain system.
- (D) Atmospheric vacuum relief system required: All pool and spa single- or multiple-outlet circulation systems must be equipped with atmospheric vacuum relief should grate covers located in the pool become missing or broken. The vacuum relief system needs to include at least one of the following two approved or engineered methods:
1. Safety vacuum release system conforming to ASME A112.19.17; or
  2. An approved gravity drainage system.
- (E) Dual drain separation: Single or multiple pump circulation systems must have:
1. at least two of the approved type of suction outlets;
  2. a minimum horizontal or vertical distance of 3 feet between the outlets;
  3. the suction outlets piped so that water is drawn through them simultaneously through a vacuum-relief-protected line to the pump or pumps.
- (F) Pool cleaner fittings: Where provided, vacuum or pressure cleaner fittings shall be located in accessible positions at least 6 inches and not more than 12 inches below the minimum operational water level, or as an attachment to the skimmers

### 2.04 Insurance

Liability insurance shall be purchased by the applicant annually for the life of the pool.

## 2.05 Commercial Pools

The installation and maintenance of commercial pools shall adhere to all state statutes and regulations.

### **SECTION 3.0 PERMIT**

Applications for a Pool Permit shall be made to the Town Clerk and shall include the following where pertinent and necessary for proper review:

- (A) Names and addresses of the applicant, owner of the site, architect, professional engineer and/or contractor.
- (B) Description of the subject site by lot, block and recorded subdivision; address of the subject site; type of structure; existing and proposed operation or use of the structure or site; and estimated construction dates.
- (C) Additional information as may be required by the Town.
- (D) The application fee for Site Plan permits shall be set by the Town Board annually.

### **SECTION 4.0 ENFORCEMENT & PENALTIES**

#### 4.01 Enforcement

The Town Board of the Town of Holland is authorized to enforce the provisions of this ordinance. Enforcement may be made either through monetary penalties, injunctive relief or such other means as the Town deems appropriate to ensure compliance with this Ordinance. The Town Board may authorize the Town Chair, Town Clerk or such other Town official or employee to issue citations to enforce this Ordinance.

#### 4.02 Penalties

Each person or entity found to be in violation of any of the provisions of this chapter shall for each offense be punished by a forfeiture of not less than Twenty Five Dollars (\$25.00) and not more than Five Hundred Dollars (\$500.00), and in default of payment thereof imprisonment not to exceed Thirty (30) days for each violation. Each day of a continuing violation shall be deemed a separate violation. The standard forfeiture for violation of this ordinance shall be \$100.

#### 4.03 Appeals

Appeals to the Town Board may be taken by an aggrieved person, or by any officer, department, board or bureau affected by a decision of the Town Board. Such appeal shall be taken within a reasonable time not to exceed six (6) months, as provided by the rules of the Board, by filing with the Clerk and with the Board a notice of appeal in writing, specifying the grounds thereof. The Clerk shall forthwith transmit to the Board all the papers constituting the records upon which the action appealed from was taken. The Chairman shall fix a date for hearing the appeal and cause notice thereof to be given to all parties in interest as provided by the rules of the Board.

**SECTION 5.0 EFFECTIVE DATE**

Following passage by the Town Board, this ordinance shall take effect the day after the date of publication or posting as provided by sec. 60.80, Wis. Stats.

Adopted by the Holland Town Board of the Township of Holland, La Crosse County, Wisconsin, this 14<sup>th</sup> day of August, 2013.

By:  
David Carlson  
Town Chairman

Attest: Marilyn Pedretti, Town Clerk  
Date Posted: 8/21/13  
Date Published: 8/29/13