

Village of East Troy, WI
Wednesday, July 8, 2015

Chapter 510. Zoning

Article XIII. Performance Standards

§ 510-98. Swimming pool standards.

- A. Purpose. The purpose of this section is to regulate swimming pools in order to prevent the creation of nuisances and to promote the health, safety, and general welfare of the public.
- B. Applicability. This section applies to all swimming pools, defined as an outdoor structure containing a body of water in a receptacle or other container having a depth for water at any point greater than 36 inches located below the surface of ground elevation or deck, used or intended to be used solely by the owner, operator, or lessee thereof and family and guests invited to use it, and including all structural facilities, appliances, appurtenances, equipment, and other items used and intended to be used for the operation and maintenance of a private or residential swimming pool.
- C. Review and approval. If site plan review is determined to be necessary by the Zoning Administrator, the Plan Commission shall review and approve all development for conformance with this section through the site plan review process (see § 510-160).
- D. Permit required. A building permit must be secured prior to the commencement of construction or erection of a private or residential swimming pool, except those exempted in Subsection E, or on any alterations, additions, remodeling, or other improvements. Plans, specifications, and pertinent explanatory data shall be submitted to the Building Inspector at the time of application. See also Subsection J.
- E. Exempt pools.
[Amended 7-21-2014 by Ord. No. 2014-06]
 - (1) Modular or one-piece aboveground pools erected on a seasonal basis are exempt from the provisions of this section, except that they shall be located a minimum of six feet from any lot line or building and must be in rear or side yards only.^[1]
[1] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*
 - (2) Storable one-piece swimming or wading pools that may be readily disassembled for storage and reassembled to their original integrity are exempt from the provisions of this section.
 - (3) Decorative pools and kiddie pools that are less than 36 inches in depth are exempt from the provisions of this section. Spas and hot tubs with lockable tops are also exempt.
- F. Construction requirements. In addition to such other requirements as may be reasonably imposed by the Building Inspector, the Building Inspector shall not issue a building permit for construction as provided for in Subsection D above unless the following requirements are observed:
 - (1)

All materials and methods of construction in the construction, alteration, addition, remodeling, or other improvements and pool installation shall be in accord with all state regulations and with any and all ordinances of the Village now in effect or hereafter enacted.

- (2) All plumbing work shall be in accordance with all applicable ordinances of the Village and all state plumbing codes. Every private or residential swimming pool shall be provided with a suitable draining method, and in no case shall waters from any pool be drained into the sanitary sewer system, onto lands of other property owners adjacent to that on which the pool is located, or in the general vicinity. Provisions may be made for draining the contents of any swimming pool into a storm sewer, but such installation shall be subject to prior approval by the Director of Public Works.
- (3) All electrical installations, including lighting and heating, which are used in conjunction with a private swimming pool shall be in conformance with the state laws and Village ordinances regulating electrical installations.
- G. Setbacks and other requirements. Private swimming pools shall be erected or constructed in rear or side yards only, and only on a lot occupied by a principal building. No swimming pool shall be erected or constructed on an otherwise vacant lot. A lot shall not be considered vacant if the owner owns the contiguous lot and said lot is occupied by a principal building. All swimming pools shall be at least six feet from any lot line or building unless designed and approved as an addition to a building.^[2]
^[2] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*
- H. Enclosure. Pools within the scope of this section that are not enclosed with a permanent building shall be completely enclosed by a fence of sufficient strength to prevent access to the pool. Such fence or wall shall be not less than four feet in height and not less than four feet from the pool edge and constructed not to have voids, holes, or openings larger than four inches in one dimension. Gates or doors shall be equipped with self-closing and self-latching devices located at the top of the gate or door on the pool side of the enclosure, except the door of any residence that forms a part of the enclosure. This section shall not apply to existing fences on the date of adoption of this chapter at least 40 inches in height that otherwise comply with this section.
- I. Compliance. All swimming pools existing at the time of adoption of this chapter not satisfactorily fenced shall comply with the fencing requirements of Subsection H when water is placed in the pool. Enclosures on existing pools shall be inspected by the Building Inspector for compliance. Variations in enclosure requirements that do not adversely affect the safety of the public may be approved.^[3]
^[3] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*
- J. Filter system required and electrical permit required. All private swimming pools within the meaning of this section, except those exempted in Subsection E, must have some filtration system to assure proper circulation of the water therein and maintenance of the proper bacterial quality thereof. Any swimming pool served by an electrical device, including otherwise exempted pools in Subsection E above, shall require an electrical permit.
- K. Dirt bottoms prohibited. All swimming pools of a permanent nature shall have the sides and bottom of a smooth finish, and no sand or dirt bottom shall be permitted.