

## Chapter 231

### SWIMMING POOLS

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[HISTORY: Adopted by the Village Board of the Village of Fall Creek 2-9-1984 (Ch. 8, Sec. 8.10 of the 1960 Code). Amendments noted where applicable.]

### GENERAL REFERENCES

Building construction and fire prevention -- See Ch. 118. Fees -- See Ch. A301.

#### § 231-1. Definitions.

In this chapter, unless the context clearly requires otherwise, the following terms shall have the meanings indicated:

SWIMMING POOL -- A receptacle of water or an artificial pool of water having a depth capacity at any point of more than two feet intended for the immersion or partial immersion of human beings, and including all appurtenant equipment.

#### § 231-2. Permit required; fee.

No swimming pool shall be installed or constructed without a permit having been issued therefor by the Building Inspector. The fee for said permit shall be \$25. Application for such permit shall be made, in writing, on forms furnished by the Building Inspector and shall contain appropriate plans and specifications showing the proposed location of the swimming pool and such other information as the Building Inspector may require in accordance with the provisions of this chapter. The application shall generally comply with the standards required of an application for a building permit under Chapter 118, Building Construction and Fire Prevention, §118-2, Building Code, insofar as the same is applicable.

#### § 231-3. Fencing.

- A. All outdoor swimming pools having a depth capacity of two feet or more shall be completely enclosed by a fence prior to use of the swimming pool. The wall of a building may be accepted as a part of the required fence when found by the Inspector to provide a sufficient degree of protection. Such fence shall be not less than four feet in height above the ground level immediately below. Such fence shall be chain link fencing of not less than 11<sup>1/2</sup> gauge or such other construction which will make access to the swimming pool area equally difficult. All fence material and fence posts shall be resistant to decay and corrosion, and fence posts shall be set in concrete bases or

similarly secured. Any open space between the bottom of the fence and the ground shall not exceed four inches. Each fence opening or point of entry into the pool area enclosure shall be equipped with a gate. Each gate shall have at least the minimum height required for the fence and shall be equipped with self-closing and self-latching devices placed at the top of the gate or at a place which is otherwise inaccessible to small children.

- B. All such outdoor swimming pools which are located above ground and encompassed by an exterior wall having a height of four feet or more shall be exempt from the provisions of Subsection A above, provided that all such aboveground pools shall be equipped with an effective fence and gate system at all points of entry to the pool, constructed to the specifications contained in Subsection A above.
- C. Prior to filling with water, each such outdoor swimming pool shall be enclosed by either fencing as required above or a temporary construction fence. Such temporary fence shall be a snow fence or similar design at least four feet in height and securely anchored in place. The fence shall be constructed with its base flush to the ground and shall have supportive posts placed no more than eight feet apart. The fence shall remain in place until such time as a permanent fence is installed as provided in this section. The installation of a permanent fence shall take place no later than 60 days after the initial filling of the swimming pool.
- D. All persons owning or in charge of a swimming pool for which a fence is required under this section shall construct or provide such fence within 90 days following the effective date of this chapter.

#### **§ 231-4. Construction and structural design.**

- A. All swimming pool plumbing and electrical facilities shall be installed in accordance and compliance with Chapter COMM 82 of the Wisconsin Administrative Code and the Wisconsin State Electrical Code, Volumes 1 and 2, of the Wisconsin Administrative Code. All swimming pools, other than aboveground pools, shall be completely surrounded by a walkway of concrete or other approved material at least four feet in width and designed so as to prevent back drainage into the pool. If drains are provided in such walkways, they shall not be connected to the recirculation system piping.
- B. The pool structure shall be engineered and designed to withstand the expected forces to which it will be subjected. All connections to the village water supply or sewer system shall be approved by the Village Public Works Director.

#### **§ 231-5. Board of Health approval.**

Plans and specifications for public swimming pools shall be submitted to and approved by the Eau Claire City/County Board of Health prior to issuance of a permit under Chapter 118, Building Construction and Fire Prevention, § 118-2, Building Code, of this Code.

**§ 231-6. Liability for damages.**

This chapter shall not be construed as an assumption of liability by the village for damages because of injuries sustained or property damaged by any defect in any swimming pool or appurtenant equipment.

**§ 231-7. Violations and penalties.**

No person shall erect, use, occupy or maintain any swimming pool in violation of any provision of this chapter or cause or permit any such violation to be committed. In addition to the permit revocation provisions of Chapter 118, Building Construction and Fire Prevention, § 118-1, Building, electrical and plumbing permits, of this Code, penalties for violation of any provision of this chapter shall be as provided in Chapter 1, General Provisions, § 1-19 of this Code for violations of public nuisances affecting health or safety. A separate offense shall be deemed committed on each day on which a violation of any provision of this chapter occurs or continues.