

ORDINANCE REVIEW COMMITTEE

Wednesday, November 24, 2021

Time: 5:45 p.m.

Due to the COVID-19 pandemic, this meeting will take place virtually via Zoom. Please join the meeting from your computer, tablet or smartphone by visiting <https://us06web.zoom.us/j/83789976691?pwd=QzBjckEyQ2VjTzdLektSRHBwb2RHZz09>. You can also participate via phone by dialing 1-312-636-6799 and use Meeting ID: 837 8997 6691#. When asked for your Participant ID, just press #. When asked for the Passcode, enter 221.

You may also choose to participate by providing public comment prior to the meeting via email to the Committee Chairperson, Heidi Murphy at hmurphy@village.cottage-grove.wi.us

1. Call To Order
2. Determination Of Quorum And That The Agenda Was Properly Posted
3. PUBLIC APPEARANCES-Public's Opportunity To Speak About Any Subject That Is Not A Specific Agenda Item
4. Discuss And Consider Minutes From The September 15, 2021 Meeting.

Documents:

[9-15-21 ORDINANCE MINUTES.PDF](#)

5. Discuss Ordinance Review Request Forms Received
 - a. Ordinance Review Form-Harris

Documents:

[ORDINANCE REVIEW FORM - HARRIS - NOV 18, 2021.PDF](#)

6. Discuss 2021 Budget Expenditures And 2022 Preliminary Budget
7. Future Agenda Items.
8. Set Next Meeting Date.
9. Adjournment

Any item on the agenda is subject to final action. Notice: Persons needing special accommodations should call 608-839-4704 at least 24 hours prior to the meeting. It is possible that members of and possibly a quorum of members of other governmental bodies may be in attendance at the above stated meeting to gather information; no action will be taken by any governmental body at the above stated meeting other than the governmental body specifically referred to above in this notice.

VILLAGE OF COTTAGE GROVE

ORDINANCE REVIEW COMMITTEE

Wednesday, September 15, 2021 Draft Minutes

Time: 5:45 p.m.

1. Call to Order. Heidi Murphy called the meeting to order at 5:45pm.
2. Determination of quorum and that the agenda was properly posted.
3. **Public Appearances** – Public’s opportunity to speak about any subject that is not a specific agenda item
Attendance: Alex Jushchyshyn, Heidi Murphy, Paul Van der Velde, Jess Robinson:
Joined at 5:50pm
Absent and excused: Cara Musick
Special Guest: Cindi Kelm-Nelson
4. Approve the minutes of the July 28, 2021 meeting
Motion to approve as with update and Paul Van der Velde was not in attendance of the meeting, 2nd Heidi Vote: 3-0-0
5. Discuss and consider recommendation for Chapter 12-15 Library Board
Heidi reviewed the updates and the latest revision to the ordinance.
Jess asked a few questions about some of the interactions with the State Stats. Clarity was provided.
Motion to approve as presented Alex Jushchyshyn, 2nd Paul Van der Velde Vote: 4-0-0
6. Discuss and consider updates to Chapter 239 Canvassers and Transient Merchants
Heidi Murphy reviewed the ordinance revisions.
Motion By to move this draft on in the process with suggested edits revision on section 239-7 B. Changing the process where the Village works to setup the hearing, to the applicant Jess Robinson 2nd, Paul Van der Velde. 4-0-0
7. Future agenda items
Heidi Murphy reviewed future agenda items on the agenda also, Budget for 2022
8. Set next meeting date
 - a. October 27, 2021, 5:45pm

9. Adjournment

Jess Motion to Adjourn, Heidi 2nd: 4-0-0

ORDINANCE REQUEST FORM

NAME OF REQUESTOR: Mike and Jessica Harris

ADDRESS OF REQUESTOR - 2001 Damascus Trail
Cottage Grove, WI 53527

WHO: Those who live in our community, including any current or prospective pool owners.

WHAT: We are requesting §325-88(J)(1) (Fences and Hedges - Pool Fences) be reviewed and revised. There is an opportunity to bring this ordinance current with pool safety standards established by the International Code Council (ICC) and the Association of Pool & Spa Professionals (APSP). Together they developed a set of swimming pool-related building codes called the International Swimming Pool and Spa Code (ISPSA). The 2015 version allows for an auto cover in lieu of a fence for all inground pools and spas.

We recommend proposed language for revision of this ordinance to include something to this effect, "Pools within the scope of this section which are not enclosed with a permanent building shall be completely enclosed by a fence of sufficient strength to prevent access to the pool, or shall have a cover or other protective device over such swimming pool of such a design and material that the same can be securely fastened in place and when in place shall be capable of sustaining a person weighing 250 pounds. Such cover or protective device shall be securely fastened in place at all times when the swimming pool is not in actual use for swimming or bathing purposes. Such fence or wall shall not be less than five feet in height and so constructed as not to have voids, holes or openings larger than four inches in one dimension. Gates or doors shall be kept locked while the pool is not in actual use."

WHEN: We kindly request that the Village of Cottage Grove Ordinance Review Committee review this during its upcoming meeting on November 24, 2021. Although the current ordinance has been in place for a number of years, it is no longer consistent with current pool safety standards and practices.

WHY: Automatic swimming pool covers are an "isolation" barrier, which unlike other barriers such as fences, an automatic swimming pool cover actually isolates and seals the pool water from the pool deck and its surroundings. This "isolation" of the water removes all the temptation for children who can still see the pool water through a fence and be enticed. Also, automatic swimming pool covers are sealed on all four sides of the pool making it almost impossible for anyone, including a young child, to climb under the cover to get to the water.

HOW: There are several other municipalities that have dealt with this issue and enacted ordinances that, in sum, state that a cover falls within the scope of a fence requirement. In fact, several municipalities have enacted ordinances that are the exact same language. Here are a few of neighboring communities and their ordinances:

Monona, Wisconsin §175-25(G)(1); McFarland, Wisconsin §8-404(a); and Waunakee, Wisconsin §133-1136(f)(1):

Pools within the scope of this section which are not enclosed with a permanent building shall be completely enclosed by a fence of sufficient strength to prevent access to the pool, or shall have a cover or other protective device over such swimming pool of such a design and material that the same can be securely fastened in place and when in place shall be capable of sustaining a person weighing 250 pounds. Such cover or protective device shall be securely fastened in place at all times when the swimming pool is not in actual use for swimming or bathing purposes. Such fence or wall shall not be less than four feet in height and so constructed as not to have voids, holes or openings larger than four inches in one dimension. Gates or doors shall be kept locked while the pool is not in actual use.

Deerfield, Wisconsin §103-115(c):

Fences required. Surrounding fences at least four feet in height and four-foot high self-closing and self-latching gates which meet the building inspector's approval are required for all in ground pools. An alternative to the required fencing for in ground pools would be per the specifications of the American Society for Testing and Materials, a 3.1.2 Power Safety Covers, requiring a motorized automatic cover for a pool. Above ground pools need not be fenced if the pool wall is at least four feet above ground. Ladders for above ground pools must be removable or have a self-closing and self-latching gate.

Deforest, Wisconsin §5.04(14)(e)(3): A pool cover or other protective device of such a design and material of sufficient strength to prevent access to the pool. Such cover or protective device shall be securely fastened in place at all times when the swimming pool is not in actual use for swimming or bathing purposes.

The next meeting of the Village Ordinance Committee is scheduled for: November 24, 2021

Thank you for your interest in the Village of Cottage Grove.