

Village of Cottage Grove, Wisconsin Ordinance Request Form

NAME OF REQUESTER: Tyler and Ashley Inda

ADDRESS OF REQUESTER: 804 Stoney Hill Lane Cottage Grove, WI 53527

The Village of Cottage Grove Ordinance Review Committee (Committee) reviews requests to revise current or create new Ordinances for the Village.

The Committee must analyze the “Who, What, When , Where, Why and How” when deciding whether to pursue a request. This involves a variety of factors including (but not limited to) whether this is a matter affecting the entire Village, number(s) of individuals affected, how the proposal solves the problem, time and expense related to drafting the proposed language, the cost/benefit involved with the enforcement of the Ordinance.

To assist the Committee, please provide as much background as possible:

WHO (is affected by the proposal): The affected parties are those residents in the village of Cottage Grove, Wisconsin who have recently or will soon begin construction on an in-ground pool with automatic pool cover.

WHAT (is the actual issue involved, specific sections you want revised, proposed language?) Currently the village of Cottage Grove, Wisconsin requires the following of in-ground pools per City Ordinance 325-88 Fences and hedges:

J. Pool fences.

(1) In-ground pools. All outdoor, in-ground swimming pools shall have a fence or other solid structure not less than five feet in height completely enclosing the pool with no opening therein (other than doors or gates) larger than four inches in a horizontal dimension. Fences with horizontal openings larger than four inches will be permitted if the vertical openings in the fence are not greater than one inch and the fence is considered by the Building Inspector to be nonclimbable. All gates or doors opening through the enclosure shall be kept securely closed and locked at all times when the pool is not in actual use. Gates shall be equipped with self-closing hinges and a latch that is intended to discourage unauthorized entry by small children.

In recent years automatic pool covers have become the gold standard in protecting unwanted person(s) from gaining entry into an in-ground pool. Given the effectiveness of many automatic pool covers over

that of a fence, it is requested the the village of Cottage Grove change their ordinance to state the following: All outdoor, in-ground swimming pools shall have **an automatic pool cover OR** a fence or other solid structure not less than five feet in height completely enclosing the pool with no opening therein (other than doors or gates) larger than four inches in a horizontal dimension. Fences with horizontal openings larger than four inches will be permitted if the vertical openings in the fence are not greater than one inch and the fence is considered by the Building Inspector to be nonclimbable. All gates or doors opening through the enclosure shall be kept securely closed and locked at all times when the pool is not in actual use. Gates shall be equipped with self-closing hinges and a latch that is intended to discourage unauthorized entry by small children.

Automatic pool covers must meet the following criteria: lockable, use of keypad to gain entry, must be custom-fit to the pool, must be able to hold at least 250 pounds, must meet safety standards set by the American Society for Testing and Materials (ASTM).

WHEN (has this been a problem?) Currently, homeowners in Cottage Grove, Wisconsin who have an in-ground pool must also install a fence around the pool even if they have the gold standard automatic pool cover which protects those both inside and outside the property who try to gain entry.

WHERE (have problems occurred?) Currently, homeowners in Cottage Grove, Wisconsin have accrued unnecessary costs to install both an automatic pool cover AND the fence. The fence around the pool does NOT keep out young children and pets who live and reside inside the residence whereas the automatic pool cover keeps out EVERYONE.

WHY (are there existing ordinances, state statutes that could be used as an alternative?) The current City Ordinance 325-88 Fences and hedges needs to be amended to allow for **automatic pool cover OR fence** around an in-ground pool. No such ordinance currently exists for the village of Cottage Grove.

HOW (does this proposal solve the issue? How have other municipalities dealt with this issue (examples of ordinances from other local jurisdictions are helpful.) Several municipalities in and around Dane County have amended their city ordinances to allow for an automatic pool cover to be installed in place of a fence to protect unwanted person(s) and pet(s) from gaining entry into an in-ground pool.

The town of Bristol, City of Middleton and City of Monona are local areas that have recently changed their city ordinances to allow for automatic pool covers to be installed in place of a fence around an in-ground pool. The City of Monona's ordinance is as follows:

Monona City Ordinance 175-25 Swimming pools and in-ground hot tubs

G. Fence requirement.

(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.

The next meeting of the Village Ordinance Committee is scheduled for: TBD

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