

**ORDINANCE 05-2021  
AMENDING CHAPTERS 325  
VILLAGE OF COTTAGE GROVE MUNICIPAL CODE**

The Village Board for the Village of Cottage Grove, Dane County Wisconsin, does hereby ordain as follows:

**SECTION I. – BACKGROUND RATIONALE**

The Village of Cottage Grove’s Ordinance Review Committee has reviewed the Village’s ordinances related to swimming pool safety devices in response to a resident inquiry about new safety technology that were not addressed in the current ordinance.

1. As currently written all pool require fences as described by 325-88.
2. The current ordinance does not address automated pool covers that can make a pool inaccessible when not in use.
3. An automated pool cover can help protect children who live on the same property as the pool, who may be able to enter the pool area from the home and already within a fence.
4. The direction from the Ordinance Committee is give the homeowner discretion to determine the best safety device for their needs.

**SECTION II. – CURRENT AND AMENDED LANGUAGE**

*Section 325-88(J) currently reads:*

“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.

(2)

Aboveground pools.

(a)

An approved barrier shall consist of a solid wall of durable material of which the pool itself is constructed and shall extend directly above the vertical water-enclosing wall of the pool. Such

walls shall extend not less than three feet above the level of the ground immediately adjacent to the pool. Such solid pool wall barrier shall not be located within six feet of any other wall or fence or other structure which can be readily climbed by children. Every entrance to a pool, such as a ladder, must be secured or adequately safeguarded to prevent unauthorized entry into the pool.

(b)

The pool enclosure may be omitted where portable pools are installed above ground and have a raised deck around the entire pool perimeter with an attached enclosed railing a minimum of 48 inches high on the top.”

*Section 325-88(J) shall be amended to read as follows:*

“J.

Pool fences.

(1)

See 325-93.”

*Section 325-93 shall be created to read as follows:*

(1)

In-ground pools. All outdoor, in-ground swimming pools shall have one or more of the following safety features:

(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 non-climbable. 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 outward opening and equipped with self-closing hinges and a latch placed at least 54” from the bottom of the gate that is intended to discourage unauthorized entry by small children. All fences shall comply with the requirements in Chapter 325-88.

(b)

Power safety cover and a subsurface disturbance sensor alarm. Pool safety covers shall conform to the specifications in ASTM F 1346-91 that specifies safety performance requirements for pool covers. Such covers shall be well-maintained, fully operational at all times, and shall be securely fastened in place at all times when the swimming pool is not in actual use for swimming or bathing purposes. Power safety cover control devices shall use a key/code switch and be installed minimum 54” from the ground to be kept out of the reach of small children. The subsurface disturbance sensor alarm shall be kept in working order, equipped with a loud and distinct exterior alarm and a remote alarm feature that will sound inside the residence. Such alarm shall be activated at all times when the swimming pool is not in actual use for swimming or bathing purposes.

(2)

Aboveground pools and spas:

(a)

An approved barrier shall consist of a solid wall of durable material of which the pool itself is constructed and shall extend directly above the vertical water-enclosing wall of the pool. Such walls shall extend not less than three feet above the level of the ground immediately adjacent to the pool. Such solid pool wall barrier shall not be located within six feet of any other wall or fence or other structure which can be readily climbed by children. Every entrance to a pool, such as a ladder, must be secured or adequately safeguarded to prevent unauthorized entry into the pool.

(b)

The pool and spa enclosure may be omitted where portable pools are installed above ground and have a raised deck around the entire pool perimeter with an attached enclosed railing a minimum of 48 inches high on the top.

(3)

The pool and spa safety barrier shall be required with any pool or spa measuring at least 18 inches in depth and 15 feet in width that is intended for swimming.

(4)

In addition to the safety barrier requirements outlined above, all swimming pools and spas shall have life-saving equipment such as life rings, floats or a reaching pole available and easily accessible.

(5)

All swimming pools existing at the time of passage of this Code of Ordinances not satisfactorily fenced shall comply with the fencing requirements of this Article or when water is placed in the pool.

### **SECTION III. - CONFLICT AND SEVERABILITY**

SECTIONS 1-10 and 1-11 of the MUNICIPAL CODE OF THE VILLAGE OF COTTAGE GROVE shall apply to this ordinance.

### **SECTION IV. - EFFECTIVE DATE**

This ordinance shall take effect upon compliance with the publication/posting requirements of the Wisconsin Statutes.

Adopted this 17th day of May, 2021.

BY ORDER OF THE VILLAGE BOARD  
VILLAGE OF COTTAGE GROVE

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John Williams, Village President

Attest:

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Lisa Kalata, Village Clerk