

## ORDINANCE

An Ordinance to create Section 16.340 of the Manitowoc Municipal Code regulating Swimming Pools, Hot Tubs and Spas.

The Mayor and Common Council of the City of Manitowoc do ordain as follows:

**Section 1.** Section 16.340 is created to read as follows:

**“16.340 Swimming Pools, Hot Tubs and Spas.**

**(1) Purpose.** No person shall construct, install, enlarge, or alter any swimming pool, hot tub or spa except in accordance with this chapter.

**(2) Definitions.**

“Hot tub” and “Spa” means any hydro-massage pool or tub designed for immersion of users and primarily intended for recreational or therapeutic use which may or may not be equipped with a filter, heater, and motor-driven blower.

“Swimming pool” means any depression in the ground, either temporary or permanent, or a container of water, either temporary or permanent and either above or below the ground, in which water more than 18 inches deep is contained and which is used primarily for the purpose of swimming or wading.

**(3) Permit Requirements.** No person shall construct, install, enlarge or alter any swimming pool, hot tub, or spa intended as a permanent installation unless a permit has first been obtained from the City Building Inspection Department. The fee for said permit shall be set forth by resolution of the Common Council.

**(4) Construction Requirements.** All swimming pools, hot tubs, and spas shall comply with the provisions of this chapter, other applicable ordinances, and codes adopted by reference.

- a) No swimming pool, hot tub, or spa shall be located in the required front yard or side yard setback area;
- b) Swimming pools, hot tubs, and spas shall be located not less than five feet from any rear lot line;
- c) Swimming pools, hot tubs, and spas shall be located not less than four feet to any wall, fence, or structure;

- d) Swimming pools, hot tubs, and spas containing water more than 18 inches in depth shall be completely surrounded by a fence or barrier as referenced in Section 16.350(8), subject to the exclusions noted therein;
- e) All electrical installations shall require separate permits and shall be governed by the Municipal, State, and National Electrical Codes adopted by reference;
- f) If overhead flood or other artificial lights are used to illuminate the pool, hot tub or spa, such lights shall be shielded to direct light only on the pool, hot tub or spa;
- g) No connection shall be made to the sanitary sewer;
- h) Swimming pools, hot tubs, and spas shall be maintained in a clean and sanitary condition and in good repair.

**Section 2.** This ordinance shall take effect the day after publication.

INTRODUCED \_\_\_\_\_ ADOPTED \_\_\_\_\_

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Justin M. Nickels, Mayor

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| <b>Fiscal Impact:</b>             | Anticipated no greater than \$300 in expenses relating to ordinance publishing and municipal code updating. Revenue from permit indeterminate at the time due to unknown quantity of occurrences; anticipated positive impact on City’s financials. No additional tax levy or 2025 budget amendments required. |
| <b>Funding Source:</b>            | General Fund   |
| <b>Finance Director Approval:</b> | /SMA   |
| <b>Approved as to form:</b>       | /EGN   |

This Ordinance was drafted by Eric G. Nycz, City Attorney