



CITY OF MANITOWOC

WISCONSIN, USA

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April 15, 2025

TO: Members of the Common Council

FROM: Eric Nycz, City Attorney

Re: 25-0297 Ordinance to Create Section 16.340 of the MMC Regulating Swimming Pools, Hot Tubs and Spas

Issue Presented

During the April 14, 2025 Public Safety Committee meeting the Committee voted to recommend the ordinance be adopted but with two clarifying changes to the draft's language. I have attached the Draft Ordinance that was reviewed by the Committee to this memo. The proposed and revised final draft of the Ordinance is attached as a separate document on the Agenda for the April 21, 2025 Common Council Meeting. This was done to allow members to review what was initial drafted but keep the final version as a clean, separate document for greater review.

The attached draft to this memo was edited to clarify that the proposed ordinance regulates the permanent installation of swimming pools, hot tubs, and spas (as opposed to temporary kiddie-type pools). It also clarified that the proposed regulations regarding proximity to structures applies to structures along lot lines.

These clarifying changes were made to the definition of "swimming pool" and several minor structural changes in section 4.

I am confident that these changes reflect the will of the Committee. If so, we recommend adoption of the Committee's Report to adopt the new ordinance.

Thank you for your consideration.

CITY ATTORNEY ERIC NYCZ

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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 _____

APPROVED _____

Justin M. Nickels, Mayor

Fiscal Impact: 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.

Funding Source: General Fund

Finance Director Approval: /SMA

Approved as to form: /EGN

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