

## Report to the Manitowoc Plan Commission

**Meeting Date:** May 23, 2018

**Report Print Date:** May 18, 2018; 2:49 PM

**Request:** PC 18-2018: Proposed Amendment to MMC Section 15.370(13) Regulating the definition of Swimming Pools, Hot tubs and Spas

**Reason for Request:** Changes to the MMC Chapter 15 Zoning Ordinance require a recommendation from the Plan Commission.

**Report:** The City Attorney's office is in the process of updating portions of Chapter 16 "Building, Heating and Ventilating" and one of the sections in Chapter 16 ties into a portion of Chapter 15. The definition of "Swimming Pools" in Chapter 15 is being expanded to include Hot Tubs and Spas.

**Recommendation:** The Community Development Department recommends approval of the changes to Chapter 15.370 and instructs the City Clerk to schedule a public hearing in front of the Common Council.



# CITY OF MANITOWOC

WISCONSIN, USA

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May 15, 2018

**TO: Paul Braun**

**FROM: Liz Majerus, Staff Attorney**

**RE: Ordinance amending 15.370(13) regulating swimming pools**

This memo is meant to accompany a proposed ordinance amendment modifying 15.370(13) regulating Swimming Pools. The proposed language change is intended to ensure that safety and placement regulations apply equally to hot tubs and spas rather than solely swimming pools. Hot tubs and spas with an American Society of Testing and Materials (ASTM F1346) compliant cover are exempt from fencing requirements because these covers are presumed to adequately safeguard against accidental injury or drowning.

In addition to safety and placement regulations, the proposed ordinance amendment imposes a requirement that pools, spas and hot tubs be maintained in good repair and kept in a clean and sanitary condition.

The language for this ordinance amendment was mirrored on the International Property Maintenance Code, a model code regulation establishing minimum requirements for the maintenance of existing buildings and properties, which has been adopted by many communities in Wisconsin and throughout the nation.

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**ORDINANCE**

An Ordinance to amend Sections 15.370 and 16.350 of the Manitowoc Municipal Code regulating Private Swimming Pools.

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

**Section 1.** Section 15.370 is to read as follows:

**“15.370 Supplementary Regulations – Use.**

...

**(13) Swimming Pools, Hot Tubs and Spas.** A private swimming pool, hot tub, or spa shall be located not less than five feet from any side or rear lot line; and provided further, that the private swimming pool, hot tub or spa shall be completely enclosed by a fence not less than four feet in height (see MMC 16.350(4)). comply with MMC 16.350(4).

...”

**Section 2.** Section 16.350(4) is amended to read as follows:

**“16.350 Fences and Hedges. (4) Fences Required for Certain Swimming Pools, Hot Tubs, and Spas.** All private swimming pools except “kiddie pools” shall be completely enclosed by a fence of not less than four feet in height or the height of the walls of the pool must be a minimum of four feet above grade adjacent to the pool. Said fence shall have intermediate rails or an ornamental pattern such that a sphere larger than four inches in diameter cannot pass through. A kiddie pool is defined as a portable pool with a maximum surface area of 40 square feet and 24 inches high. Private swimming pools, hot tubs, and spas shall be maintained in a clean and sanitary condition and in good repair. Swimming pools, hot tubs and spas shall be located not less than five feet from any side or rear lot line. Swimming pools, hot tubs, and spas containing water more than 24 inches in depth shall be completely surrounded by a fence or barrier not less than 48 inches in height above the finished ground level measured on the side of the barrier away from the pool. Gates and doors in such barriers shall be self-closing and self-latching. Where the self-latching device is not less than 54 inches above the bottom of the gate, the release mechanism shall be located on the pool side of the gate. Self-closing and self-latching gates shall be maintained such that the gate will positively close and latch when released from an open position of 6 inches from the gatepost. No existing pool enclosure shall be removed, replaced or changed in a manner that reduces its effectiveness as a safety barrier. Spas or hot tubs with a safety cover that complies with ASTM F 1346 shall be exempt from the provisions of this section.”

**Section 3.** This ordinance shall take effect the day after publication.

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

\_\_\_\_\_  
Justin M. Nickels, Mayor

**Fiscal Impact:** \$0  
**Funding Source:** n/a  
**Finance Director Approval:** sc  
**Approved as to form:** km

This resolution was drafted by Elizabeth Majerus, Staff Attorney