



**Sec. 54.7 SWIMMING POOLS, HOT TUBS, SPAS, and BACKYARD PONDS**

Prior to obtaining a permit application for a swimming pool, hot tub, spa, or pond, check with your subdivision covenant to see if there are any restrictions you will need to adhere to.

- A. **Purpose.** The purpose of this regulation is to provide for the health, safety, and welfare of all individuals and to provide land use controls in the City of De Pere.
- B. **Application.** This regulation shall apply to all new, remodeled, altered, and relocated private swimming pools, hot tubs, spas, and ponds.
- C. **Definitions.** The following words, terms, and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning.
  - 1. "Portable pool" means a container of water less than eighteen (18) inches in depth that can readily be disassembled for storage and reassembled to its original integrity.
  - 2. "Spa or Hot Tub" means a hydro massage pool or tub for recreational or therapeutic use, designed for immersion of users, which may or may not have a filter, heater, and motor driven blower.
  - 3. "Swimming Pool" means any depression in the ground, either temporary (installed for a period of less than seven days) or permanent (installed for a duration of more than seven days), or an above ground or below ground container of water, either temporary or permanent, which is eighteen (18) inches or greater in depth used primarily for the purpose of wading or swimming, excluding portable pools.
  - 4. "Backyard Pond or Landscape Pond" means any naturally occurring or manmade depression in the ground containing or detaining water, either temporary or permanent which is eighteen (18) inches or greater in depth and is used for the purpose of a fish pond or landscape water garden. The definition does not include retention or detention ponds used for a stormwater management plan required by the city as a requirement under Chapter 28 of this Code.
- D. **Permit Required.** Before commencing the construction and installation of a private swimming pool over eighteen (18) inches in depth, a hot tub or spa, or pond, a permit authorizing such construction must be obtained from the Building Inspector. Permit applications shall be accompanied by fully dimensioned plans showing the following information:
  - 1. Location of swimming pool, hot tub, spa, or pond on lot showing the distance from property lines, easements, and structures.
  - 2. Location of overhead and/or underground electrical wiring in relation to swimming pool, hot tub, spa, or pond.
  - 3. Dimensions and depth of swimming pool, hot tub, spa, or pond.
  - 4. Type, location, and height of fence either if existing or proposed.
  - 5. Type, dimensions, and location of deck if proposed.
- E. **General Requirements.**
  - 1. Swimming pools, hot tubs, spas, or ponds shall not be allowed in the front yard and interior side yard building setbacks of interior lots.
  - 2. Swimming pools, hot tubs, spas, or ponds shall not be allowed in the front yard, corner side yard, and interior building setbacks of corner lots.
  - 3. Interior side yard and rear yard setbacks for swimming pools, hot tubs, spas, and ponds shall be a minimum of ten (10) feet measured from the property line.
  - 4. Swimming pools shall not be located closer than five (5) feet to any structure other than a deck.

5. Swimming pools, hot tubs, spas, and ponds shall not be located in utility or drainage easements and shall not be located in a conservancy.
6. All plumbing shall meet the requirements of the State of Wisconsin Plumbing Code Comm 81-85.
7. All electrical work shall meet the requirements of the State of Wisconsin Electrical Code Comm 16 and the National Electrical Code.

F. ***Fence Requirements.***

1. A fence of not less than four (4) feet in height, measured from grade, shall completely enclose all swimming pools, hot tubs, spas, and ponds with the following exceptions:
  - a. Hot tubs and spas do not need fence protection as long as their covers can be fastened and key locked when unattended and shall be able to withstand 150 pounds.
  - b. Where decks surround or adjoin above ground pools, hot tubs, spas, or ponds, a three (3) foot minimum height guard rail mounted to and measured from the deck surface to the top of the guard rail will be considered as meeting the fencing requirements as long as the design and construction regulations of this section are complied with and the overall vertical measurement from grade (ground) level to the top of the guard rail is a minimum height of four (4) feet. Sides of stairs and gates leading to a deck shall also comply with the requirements of this section. Interior side yard and rear yard setbacks for a detached deck surrounding a swimming pool, hot tub, or spa shall be measured ten (10) feet from the property line.
  - c. Ponds may be exempt from the fence requirements if an approved wire screen, mesh, or grate is placed and maintained three to four inches below the waterline of sufficient strength to withstand a weight of 100 pounds.
2. Fences shall be located a minimum of four (4) feet beyond the outside perimeter of a swimming pool, hot tub, spa, or pond.
3. Fences shall be constructed and designed so as to prevent penetration of an object greater than four (4) inches in diameter either through or under the fence.
4. Fences shall be able to withstand two hundred (200) pounds force in any direction and shall be properly maintained in a good state of repair and appearance.
5. Fences with horizontal boards spaced more than one (1) inch apart are prohibited.
6. All gates or doors opening through a fence enclosure shall be kept securely closed at all times while unattended and shall be equipped with a self-closing and self-latching device designed to keep such gate or door securely closed. All gates or doors shall comply with all other height and structural requirements of this section.
7. Portable pools do not need fence protection but must be drained or covered in such a manner as to provide public safety when left unattended.
8. To ensure public safety, variances for lesser fence heights than specified in this section shall not be granted.

G. ***Shielding Lights.*** Lights used to illuminate any residential swimming pool, hot tub, or spa shall be so arranged and shaded as to reflect light away from adjoining premises.

H. ***Drainage.*** In no case shall any swimming pool, hot tub, or spa be drained on to properties other than that of the owner of the swimming pool, hot tub, or spa.

I. ***Sanitation.*** Filtration systems shall be maintained in proper working order. The swimming pool, hot tub, or spa shall be kept clean and in sanitary condition at all times.

J. ***Unnecessary Noise.*** No person shall make, continue, or cause to be made or continued, at any swimming pool, hot tub, or spa any loud, unnecessary, or unusual noise or any noise which annoys, disturbs, injures, or endangers the comfort, repose, health, peace, or safety of others. In the operation of the pool, hot tub, or spa, the use or permitting the use or operation of any radio, receiving set, musical instrument, phonograph, or other machine or device for the producing or reproducing of sound in such a manner as to disturb the peace, quiet, and comfort of the neighboring inhabitants, or at any time with louder volume than is necessary for convenient hearing of the person or persons who are in the residential swimming pool, hot tub, or spa premises, shall be unlawful.

K. ***Interference with Enjoyment of Property Rights Prohibited.*** No residential swimming pool, hot tub, or spa, shall be so located, designed, operated, or maintained so as to interfere unduly with the enjoyment of the property rights of owners of property adjoining such residential swimming pool, hot tub, or spa or located in the neighborhood of such residential swimming pool, hot tub, or spa.