



ORDINANCE 2025-02

AN ORDINANCE TO REPEAL AND RECREATE SECTION 17 (SWIMMING POOLS) OF ARTICLE IV (GENERAL PROVISIONS) OF CHAPTER 295 (ZONING) OF THE MUNICIPAL CODE OF THE VILLAGE OF HOBART, BROWN COUNTY, WISCONSIN

Purpose: The purpose of this Ordinance is to amend the current Ordinance relating to the regulations of swimming pools by including with the same requirements as swimming pools, and also permitting automated pool covers as an exemption to the fence barrier requirement.

The Village Board of the Village of Hobart, Brown County, Wisconsin, does ordain as follows:

Section 1: Section 17 (Swimming Pools) of Article IV (General Provisions) of Chapter 295 (Zoning), of the Code of the Village of Hobart, is hereby repealed and recreated to read as follows:

§ 295-17. Swimming pools.

A. No construction or installation of a swimming pool (pools) shall begin unless a permit therefor has been obtained. The application for such permit shall be accompanied by a site plan showing the size, location and description of the property.

B. Permanent above or in-ground pools shall comply with setback requirements of the zone in which the proposed pool is to be located. In determining this setback for aboveground pools with permanent fencing or decks, any deck, walkway, or similar structure shall be considered part of the pool.

C. Fencing. All pools requiring a permit shall be encompassed by fencing as provided under this section.

(1) Structural requirements. All fences under this section shall be constructed in such a manner to comply with the following requirements:

a. The fence shall be able to withstand a minimum of 200 pounds of force in any direction.

b. The fence shall be so designed and constructed so as to prevent penetration of an object greater than six (6) inches in diameter.

c. All such fences shall be constructed with a self-closing and locking door or gate which complies with all other height and structural requirements of this section.

(2) Permanent in-ground pools shall be encompassed by a freestanding fence not less than forty-eight (48) inches nor more than ninety-six (96) inches from the ground level. Such fence shall be no less than three (3) feet from the pool at its nearest point. The fence shall comply with Subsection C (1) of this section.

(3) Above-ground pools. Above-ground pools shall be encompassed by fencing which complies with one or any combination of options listed below and complies with Subsection C (1) of this section.

a. A fence of not less than forty-eight (48) inches nor more than ninety-six (96) inches from the ground level encompassing the entire pool and complies with Subsection C (1) of this section.

b. A fence, no closer than three (3) feet to the pool, provided such fence be at least thirty-six (36) inches above the top edge of the pool and not less than forty-eight (48) inches nor more than ninety-six (96) inches from ground level.

c. A fence attached to a deck or walkway, provided such fence is at least thirty-six (36) inches above the surface of the deck or walkway and complies with this section.

d. A pool that has a wall not less than forty-eight (48) inches from ground level, provided all steps, Ladders, or other means of pool access are removed or locked gaining access when the pool is not in use.

(4) Exceptions. Fencing shall not be required if the following are provided:

a. Pools completely enclosed within a building.

b. Pools constructed or installed with a safety cover that meets the standards of the American Society for Testing and Materials (ASTM). Pool covers shall be automated and comply with the following requirements:

1. An automated pool cover is defined as a mechanism that, when engaged, securely covers a swimming pool, providing safety and energy efficiency.

2. Automated pool covers shall be installed in accordance with the manufacturer's specifications.

3. Automated pool covers shall be operated by a key-operated switch, ensuring that the cover cannot be inadvertently engaged or disengaged by unauthorized users.

4. Pool covers shall be able to fully enclose the pool when not in use.

5. Property owner shall maintain the automated pool cover in good working order at all times, including regular inspections for wear and tear.

D. No person shall operate a public swimming pool on any premises zoned residential. The operation of a public swimming pool on residential premises is declared to be a public nuisance. A public swimming pool is any swimming pool operated by the owner or lessee thereof for financial gain, no matter how incidental the financial gain is to the overall operation.

E. No residential swimming pool shall be so located, designed, operated, or maintained as to interfere unduly with the enjoyment of the property rights by owners of property adjoining the swimming pool or located in the neighborhood.

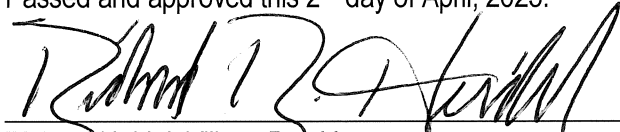
F. Lights used to illuminate any residential swimming pool shall be so arranged and shaded as to reflect light away from adjoining premises.

G. No person shall make, continue or cause to be made or continued at any residential swimming pool 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 a residential swimming pool, 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 manner as to disturb the peace, quiet, and comfort of the neighboring inhabitants, or at any time within louder volume than is necessary for convenient hearing of the persons who are in the residential swimming pool premises, shall be prohibited.

Section 2: Any Ordinance or parts thereof, inconsistent herewith are hereby repealed.

Section 3: This Ordinance shall be effective from and after its passage by the Village Board and publication as required by law.

Passed and approved this 2nd day of April, 2025.


Richard Heidel, Village President

Attest:

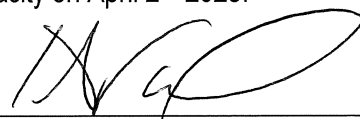

Aaron Kramer, Village Administrator

CERTIFICATION

The undersigned, being the duly appointed Clerk of the Board of the Village of Hobart, certifies that the aforementioned is a true and exact reproduction of the original ordinance or resolution adopted by the Village Board.

IN WITNESS WHEREOF, I have executed this Certificate in my official capacity on April 2nd 2025.




Lisa Vanden Heuvel, Village Clerk