

# SWIMMING POOLS & HOT TUBS/SPAS

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- 12.17-1     **COMPLIANCE**  
It shall be unlawful to construct, install, enlarge, or alter any swimming pool as defined in the Ordinance, in the unincorporated areas of Kenosha County except in compliance with all of the provisions of this section.
- 12.17-2     **DISTRICTS**  
Swimming pools may be installed in all districts except the C-1 Lowland Resource Conservancy District, FPO Floodplain Overlay District, FWO Camp Lake/Center Lake Floodway Overlay District, HO Historic Overlay District, and AEO Adult Entertainment Overlay District. (3/1/94)
- 12.17-3     **PERMIT REQUIRED**  
It shall be unlawful to proceed with the construction, installation, enlargement or alteration of any private residential swimming pool and accessories thereto within the unincorporated area of Kenosha County unless permits therefore shall have first been obtained from the Office of Planning and Zoning Administration.
- 12.17-4     **APPLICATION**  
All drawings and plans for the construction, installation, enlargement or alteration of any such swimming pool and the accessories thereto shall first be presented to the Office of Planning and Zoning Administration for examination and approval as to proper location and construction.  
  
All such plans and drawings shall be drawn to scale and shall indicate thereon all distances and dimensions so as to accurately and explicitly show all lot lines, and all information pertaining to the pool, walk, deck, fence construction, water supply system, drainage and water disposal systems, and all accessories pertaining to the swimming pool. Such plans shall also indicate the vertical elevations of the pool.  
  
All private residential swimming pools and accessories thereto, water supply and drainage systems shall be constructed in conformity with the approved plans.
- 12.17-5     **LOCATION**  
Swimming pools and spas shall only be installed in the rear yard of a premise. No portion of a swimming pool or spa outside a building, including a surrounding deck and fence, pumps, filters, and related pool equipment shall be located at a distance of less than eight feet from any side or rear property line or building line. Such pool shall also comply with any and all state or local regulations with respect to the distances from an on-site sewage disposal absorption system and private well.
- 12.17-6     **AREA**  
Such pool may be constructed provided however it does not occupy more than 40 per cent of the usable area of the rear yard excluding all garages or other accessory structures located in such area.
- 12.17-7     **SAFETY FEATURES**  
No swimming pool or spa shall be installed or maintained unless:
- (a)     In the case of an in ground pool, there shall be erected and maintained a good quality safety fence not less than four feet in height completely surrounding the pool or surrounding the yard in which the pool is located.
  - (b)     In the case of an above ground pool, one of the following must be met:
    - 1.     Erect and maintain a good quality safety fence of not less than four feet in height completely surrounding the pool or surrounding the yard in which the pool is located, or

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2. The total wall height of the pool and surrounding deck/railing must be at least six feet above yard grade.
- (c) In the case of a spa/hot tub, a locked safety cover meeting American Society for Testing Materials Specifications may be used, or a spa must be completely enclosed in a structure with locking windows and doors.
- (d) Safety fencing must be so constructed as not to have voids, holes or openings larger than four inches in one dimension.
- (e) Every gate or other opening in the fence enclosing the pool or yard (including spa safety covers) except an opening to the dwelling or other building shall be kept securely closed and locked at all times when the owner or occupant of the premises is not present at such pool/spa. All gates shall be equipped with self-closing and self-latching devices placed at the top of the gate.
- (f) The swimming pool shall not be filled with water until all safety features are in place.

12.17-8

### **LIGHTING**

No lighting may be installed in connection with the pool which shall throw any rays beyond such property lines.

12.17-9

### **WATER DRAINAGE**

No water drained from a pool shall be discharged over or near any septic tank, septic field or well.

12.17-10

### **INSPECTION**

The town building inspector or town deputy planning and zoning administrator shall inspect all swimming pools to determine whether or not the provisions of this ordinance are being complied with.