



211 Walnut Street
Neenah, WI 54956

AN ORDINANCE: By the Neenah Public and Services Committee
Re: Amending Neenah Municipal Code Section 21-39(c) of the Building Code relating to pool protective enclosures.

ORDINANCE NO. 2020-09
Introduced: June 9, 2020
Committee/Commission Action:
Recommended for passage

AN ORDINANCE

The Common Council of the City of Neenah, Wisconsin, do ordain as follows:

Section 1. That Neenah Municipal Code, Section 21-39(c) of the Building Code is hereby amended by adding the bolded and underlined language to read as follows:

Sec. 21-39(c) Protective enclosures required.

(1) *Fencing.* All private residential swimming pools, whether in ground or above ground types, shall be enclosed with an adequate and secure fence at least 44 inches high above adjoining grade to prevent straying into pool area. Required fences shall be constructed to prohibit the passage of a six-inch sphere between fence members, and the bottom of said fence shall be no more than two inches above the existing ground elevation. Any gates installed shall be constructed so as to be capable of being locked, and shall be closed and secured so as to prevent unlatching by persons outside the pool area when the pool is not in use.

(2) *Exception.* A pool dome or pool top fencing, attached to the pool to extend at least 44 inches above the ground, or a pool cover capable of supporting 100 pounds per square foot of area are acceptable substitutes for fencing above ground-pools. Pool covers shall be fixed securely in place at all times when the pool is not in use. Abovegrade pools with walls that are at least 44 inches high at all points around said pool or having platforms and railings that are 44 inches or more in height abovegrade are also not required to be enclosed as provided in Subsection (c)(1) of this section, but the ladders and stairways providing access to said pools shall be removed, raised or gated and secured to prevent entry whenever the pool is not in use.

In-ground swimming pools may install a pool cover as an acceptable substitute to the fencing requirement in section 21-39(c)(1) only if the pool cover is certified and meets the standards of the American Society of Testing and Materials (ASTM). The pool cover shall be motorized and the switch to activate the pool cover shall be located a minimum of 60 inches above the pool deck and be placed in a lockable case or require a key or a code operated touch pad to activate the

pool cover. The switch shall also be located in an area that the switch operator has a full, unobstructed view of the entire pool area. The pool cover shall meet all minimum standards as identified by ASTM including, but not limited to operating controls, minimum cover load, perimeter deflection, surface drainage, and minimum size of openings. When an in-ground pool is not in use, the pool cover shall be securely placed over the pool. Pool covers shall be checked periodically for mechanical issues or compromises to the cover, and shall be maintained per the manufacturer's specifications. All new or replacement pool covers shall be approved by the Community Development Department per the standards in this section.

Section 2. Severability. In the event any section, subsection, clause, phrase or portion of this ordinance is for any reason held illegal, invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remainder of this ordinance. It is the legislative intent of the Common Council that this ordinance would have been adopted if such illegal provision had not been included or any illegal application had not been made.

Section 3. Repeal and Effective Date. All ordinances or parts of ordinances and resolutions in conflict herewith are hereby repealed. This ordinance shall take effect from and after its passage and publication.

Adopted: 6/17/2020

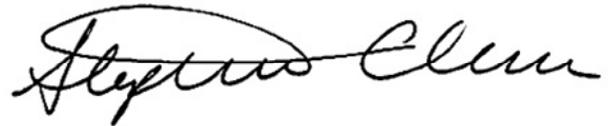
Published: 6/22/2020

Approved:



Dean R. Kaufert, Mayor

Attest:



Stephanie Cheslock, Deputy City Clerk