

**VILLAGE OF WINDSOR  
ORDINANCE 2020-05**

**AN ORDINANCE AMENDING CHAPTER 10 OF THE CODE OF ORDINANCES  
REGARDING SWIMMING POOL FENCES**

**WHEREAS**, the Village Staff recommends certain amendments be made to the Village of Windsor Code of Ordinances regarding swimming pool fences; and

**WHEREAS**, the Village Board finds it to be in the public interest to amend Chapter 10 concerning swimming pool fences.

**NOW, THEREFORE**, the Village Board of the Village of Windsor, Dane County, Wisconsin do ordain as follows:

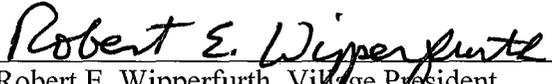
**SECTION 1.** Chapter 10, Article II, Section 10-190 of the Windsor Code of Ordinances is hereby amended as set forth in Exhibit A attached hereto.

**SECTION 2.** All other provisions of Code of Ordinances not specifically amended herein shall remain unmodified and in full force and effect.

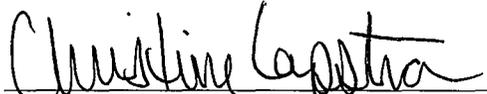
**SECTION 3.** This ordinance shall take effect upon passage and publication as provided by law.

The above and foregoing Ordinance was duly adopted at a meeting of the Village Board of the Village of Windsor held on June 18<sup>th</sup>, 2020, by a vote of 4 in favor and 0 opposed.

**VILLAGE OF WINDSOR**

  
Robert E. Wipperfurth, Village President

*Attested by:*

  
Christine Capstran, Village Clerk

Published: 6-25-2020 8/8/2020

Effective: 6-26-2020 8/7/2020

## EXHIBIT A

### CHAPTER 10. - BUILDINGS AND BUILDING REGULATIONS ARTICLE III. - BUILDING AND TECHNICAL CODES

#### DIVISION 2. - FENCES

Sec. 10-190. - Swimming pool fences.

- (a) In-ground pools within the scope of this section that are not enclosed within a permanent building shall comply with one of the following:
  - (1) The pool shall be completely enclosed by a fence of sufficient strength to prevent access to the pool. Such fence shall not be less than four feet or more than six feet in height, and shall be constructed so as not to have voids, holes or openings larger than four inches in one dimension. The fence shall be located no closer than three feet to the pool water. Pool fences shall be constructed with self-closing, lockable gates or doors, which shall be kept locked when the pool is not in actual use; or
  - (2) The pool shall have a mechanical cover over the swimming pool of such a design and material that the cover can be securely fastened in place, and when in place shall be capable of sustaining a person weighing 250 pounds. Such cover shall be securely fastened in place at all times when the swimming pool is not in actual use for swimming or bathing purposes.
- (b) Above-ground pools are not required to have a fence or mechanical pool cover, as described above, if all of the following exist:
  - (1) The above-ground pool has a height of at least four feet or greater, such that an unobstructed vertical face exists around the entire perimeter of the pool. A special exception to this requirement may be granted by the Village Board if the above ground pool was installed prior to the adoption of this ordinance and subject to section 10-190(c).
  - (2) The above-ground pool has unobstructed sidewalls of a height of at least four feet or greater around the entire perimeter of the pool. A special exception to this requirement may be granted by the Director of Planning/Zoning Administrator (or designee) if the above ground pool has an obstructed sidewall and the property owner installs either: (1) a fence or mechanical cover per section 10-190(a) or (2) an above ground pool railing, a minimum of three feet in height, of such design and material to prevent unauthorized or accidental access to the above ground pool, such that an unobstructed vertical face exists around the entire perimeter of the pool.
  - (3) The above-ground pool has no deck. A special exception to this requirement may be granted by the Director of Planning/Zoning Administrator (or designee) if the above ground pool has a deck, and the property owner installs either: (1) a fence or mechanical cover per section 10-190(a) or (2) a deck railing with self-closing, lockable gates or doors, a minimum of three feet in height, in accordance with all applicable building codes, such that an unobstructed vertical face of four feet exists around the entire perimeter of the pool.
  - (4) The above-ground pool has a functionable, lockable ladder.
  - (5) The above-ground pool is not built into a hillside resulting in a portion of the perimeter of the pool to have a height less than four feet. A special exception to this requirement may be granted by the Director of Planning/Zoning Administrator (or designee) if the above ground

pool is built into a hillside resulting in a portion of the perimeter of the pool to have a height less than four feet, and the property owner installs either: (1) a fence or mechanical cover per section 10-190(a) or (2) an above ground pool railing, a minimum of three feet in height, of such design and material to prevent unauthorized or accidental access to the above ground pool, such that an unobstructed vertical face exists around the entire perimeter of the pool.

- (c) The Village Board or Director of Planning/Zoning Administrator (or designee), as applicable, may grant a special exemption from the provisions of section 10-190 (b) upon application by the property owner demonstrating: (1) such a special exemption will not be contrary to the intent of this division; (2) that owing to special conditions unique to the property owner, a literal enforcement of the provisions of section 10-190 (b) will result in unreasonable expense or difficulty; and (3) the intent of section 10-190 (b) shall be observed and public safety and welfare secured.