ORDINANCE NO. 2218-10
By the Legislative and Licensing Committee

OF THE MUNICIPAL CODE REGARDING SWIMMING POOL FENCES

The Common Council of the City of Brookfield do ordain as follows:

PART I. Section 15.04.330C.1. is amended to read as follows:

1. Location. A swimming pool shall be located outside the setback and offset lines of the lot upon which it is located and otherwise in accordance with Title 17. The area of such pool shall not exceed five percent of the area of such lot. All mechanical equipment, including, without limitation, pumps, filters and heaters, shall be located so as to minimize the occurrence of noise to owners of adjacent lots. For the purpose of establishing the location of in ground pools, three feet of the concrete apron surrounding the pool shall be considered as part of the pool and included in all offset measurements.

PART II. Section 15.04.330C.3. is amended to read as follows:

3. Fence. A swimming pool fence shall be located outside the setback and offset lines of the lot on which it is located and otherwise in accordance with Title 17. The fence shall be located no further than 10 feet from the hard surface surrounding the swimming pool. Except as otherwise provided herein, a swimming pool shall be completely fenced, before it is filled with water, by a fence, wall or other structure not less than five feet in height, which is a minimum of 50% open, such as picket or wrought iron. Chain link fences are prohibited. There shall be no opening in the fence or wall larger than six inches square. Such fence shall be located not less than ten feet from any interior lot line. All gates shall be kept securely closed at all times and shall be equipped with self-closing and self-latching devices placed at least three feet above the ground, accessible deck or stairs. Fence posts shall be decay- and corrosion-resistant and shall be set in concrete bases. Pools erected on top of the ground shall, before filling with water, be completely constructed and adequately screened from the view of abutting properties. When not completely fenced, all ladders, steps or other means of access to an above ground pool shall be removed and/or designed to prevent access when the pool is unattended.

   a. Upon removal of any swimming pool, the fence surrounding the pool shall also be removed.

PART III. All ordinances and parts of ordinances contravening the provisions of this ordinance are hereby repealed.

ADOPTED AND APPROVED ____________ July 20 ____________, 2010

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Kristine A. Schmidt, City Clerk                      Steven V. Ponto, Mayor

Published: July 29, 2010