

ENROLLED ORDINANCE 178-103

APPROVE TOWN OF MERTON ORDINANCE NO. 17.29 THAT REPEALS AND RECREATES SECTION 17.29 OF THE TOWN OF MERTON GENERAL CODE OF ORDINANCES RELATING TO SWIMMING POOLS (RZ142)

WHEREAS, after proper notice was given, a public hearing was held, and the subject matter of this Ordinance was approved by the Merton Town Board on January 22, 2024; and

WHEREAS, the Town of Merton Ordinance No. 17.29 repeals and recreates Section 17.29 of the Town of Merton General Code of Ordinances relating to swimming pools; and

WHEREAS, the matter was referred to and considered by the Waukesha County Park and Planning Commission, which recommended approval and reported that recommendation to the Land Use, Parks and Environment Committee and the Waukesha County Board of Supervisors, as required by Section 60.62, Wis. Stats.

THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS that the Town of Merton Ordinance No. 17.29 to repeal and recreate Section 17.29 of the Town of Merton General Code of Ordinances relating to swimming pool regulations, as more specifically described in the "Staff Report and Recommendation" on file in the office of the Waukesha County Department of Parks and Land Use and made a part of this Ordinance by reference, is hereby approved.

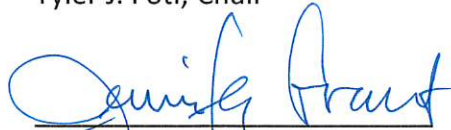
BE IT FURTHER ORDAINED that the Waukesha County Clerk shall file a certified copy of this Ordinance with the Town Clerk of Merton.

APPROVE TOWN OF MERTON ORDINANCE NO. 17.29 THAT REPEALS AND RECREATES SECTION 17.29
OF THE TOWN OF MERTON GENERAL CODE OF ORDINANCES RELATING TO SWIMMING POOLS
(RZ142)

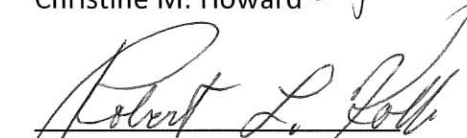
Presented by:


Land Use, Parks, and Environment Committee


Tyler J. Foti, Chair

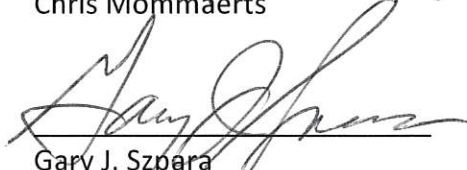

Jennifer Grant


Christine M. Howard


Robert L. Kolb


Brian Meier


Chris Mommaerts


Gary J. Szpara

The foregoing legislation adopted by the County Board of Supervisors of Waukesha County, Wisconsin, was presented to the County Executive on:

Date: 3/29/24, 
Margaret Wartman, County Clerk

The foregoing legislation adopted by the County Board of Supervisors of Waukesha County, Wisconsin, is hereby:

Approved: X
Vetoed: _____

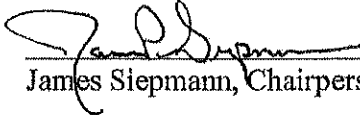
Date: 3/29/24, 
Paul Farrow, County Executive

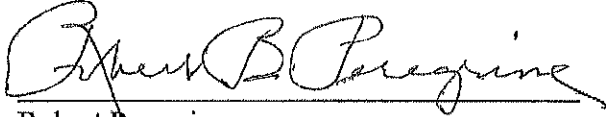
COMMISSION ACTION

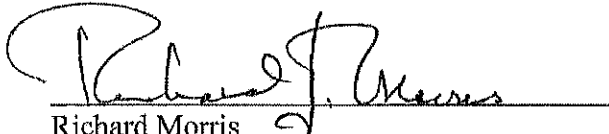
The Waukesha County Park and Planning Commission after giving consideration to the subject matter of the Ordinance to amend the Text of the Town of Merton Zoning Code hereby recommends approval of **RZ142 (Town of Merton Board)** in accordance with the attached "Staff Report and Recommendation".

PARK AND PLANNING COMMISSION

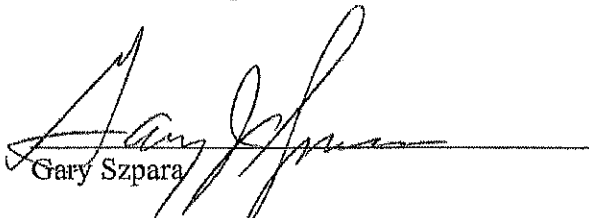
February 28, 2024

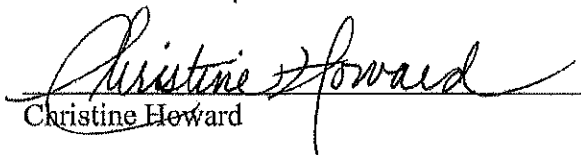

James Siepmann, Chairperson


Robert Peregrine


Richard Morris

Absent
William Groskopf


Gary Szpara


Christine Heward

WAUKESHA COUNTY DEPARTMENT OF PARKS AND LAND USE
STAFF REPORT AND RECOMMENDATION
TEXT AMENDMENT

DATE: February 28, 2024

FILE NO.: RZ142

APPLICANT: Town of Merton Board
P.O. Box 128
North Lake, WI 53064

REQUEST:
Text amendment to the Town of Merton Zoning Code to repeal and re-create Section 17.29 relating to swimming pools.

PUBLIC HEARING DATE:
January 17, 2024

PUBLIC COMMENT:
None

TOWN PLAN COMMISSION ACTION:
On January 17, 2024, the Town of Merton Plan Commission unanimously recommended approval of the request to the Town Board.

TOWN BOARD ACTION:
On January 22, 2024, the Merton Town Board of Supervisors unanimously approved the request.

STAFF ANALYSIS:
The town is proposing to amend its swimming pool regulations to modernize its rules with specific attention to fencing requirements for safety. The new language prohibits elevated surfaces, such as decks adjacent to fences, to have less than 4' of separation to the top of the fence. The existing code already requires a 4' fence; clarification is being provided regarding adjacent surfaces. More specificity is proposed to be added to the above ground pool standard which states that if the wall of an above ground pool is at least 52" in height, fencing shall not be required. Other mechanical equipment, such as pumps, filters and heaters must be at least 36" from fencing to minimize climbing risk. The amended language maintains the requirement for gates to be self closing and self latching.

STAFF RECOMMENDATION:
Based on the above analysis, the Planning and Zoning Division Staff recommends **approval** of the request. The proposed text amendments add detail to the town's existing swimming pool rules to help ensure child safety and make code administration easier.

Respectfully submitted,

Jason Fruth

Jason Fruth
Planning & Zoning Manager

Attachment: Town Ordinance No. 17.29

ORDINANCE NO. 17.29 Swimming Pools

AN ORDINANCE TO REPEAL AND RE-CREATE §17.29 OF THE GENERAL CODE OF ORDINANCES OF THE TOWN OF MERTON RELATING TO SWIMMING POOLS

The Town Board of Supervisors of the Town of Merton, Waukesha County, Wisconsin does ordain as follows:

SECTION 1. Section 17.29 of the General Code of Ordinances of the Town of Merton is hereby repealed and recreated to read as follows:

17.29 - SWIMMING POOLS.

(1) **USE PERMITTED.** All above and below-ground swimming pools constructed or expanded on or after January 1, 2024 are permitted in any district other than C-1 Districts, subject to the following:

(a) **Occupant Use Only; Safe Operation.** The swimming pool shall be used solely by the occupants of the principal use of the property on which the swimming pool is located, and their guests. Ladders, stairs, ramps, related equipment of a swimming pool shall installed to ensure the safe use and access to the swimming pool.

(b) **Setback and Offset Requirements.** Any swimming pool, together with its surrounding walkways, patios, diving platforms, bathhouses, and accessory structures, shall comply with the setback and offset requirements of the applicable districts, and meet the distance requirements established by Waukesha County and the State of Wisconsin.

(c) **Fences.**

1. All swimming pools shall be completely surrounded by a permanent fence at least four feet in height at all points regardless of grade. The distance between the vertical rails or any other opening of a fence, gate, or door shall not exceed four inches. A dwelling or accessory building may be used as part of the swimming pool's enclosure. All gates or doors used to access a swimming pool shall be equipped with a self-closing and self-latching device for keeping the gate or door securely closed at all times.

2. No horizontal ladder type swimming pool fences are allowed. All swimming pool fences constructed on decks shall be built flush with outside of deck to prevent ledges to crawl, climb or walk on or over.

3. Fencing under Section 17.29(1)(c)1. shall not be required for above-ground swimming pools if the surrounding wall of the above-ground swimming pool is at least 52 inches in height and the ground surface of the above-ground swimming pool, measured at all points three feet from the above-ground swimming pool, is level.

4. Temporary fencing shall be installed and maintained during construction of a swimming pool. Any required permanent fence shall be installed prior to the swimming pool being filled with water or otherwise used by occupants.

5. In order to prevent unauthorized access to a swimming pool, no improvement, structure, or equipment such as pumps, filters, and heaters shall be installed or located within 36 inches of the fence that surrounds a swimming pool.

(2) **PERMIT REQUIRED.** No swimming pool shall be constructed unless building and zoning permits have been issued pursuant to §17.11 and §17.12.

(3) **INSPECTION.** No swimming pool shall be used until the Building Inspector has made his final inspection and has approved all phases of construction, including the erection of necessary fencing. Water in the swimming pool, except for minimal amounts for testing purposes, shall be considered evidence of use.

(4) **BOND REQUIRED.** An application for a permit to construct a swimming pool shall be accompanied by a cash deposit in the amount of \$500.00 to be retained by the Town Treasurer until final inspection and approval. If any person uses the swimming pool prior to final inspection and approval, such bond shall be forfeited. The bond shall be returned upon compliance by permittee with all requirements of this section.

SECTION 2. EFFECTIVE DATE. This Ordinance shall become effective upon passage and posting or publication as required by law.

SECTION 3. PRIOR ORDINANCES. All ordinances or parts of ordinances conflicting with or contravening the provisions of this Ordinance are hereby repealed.

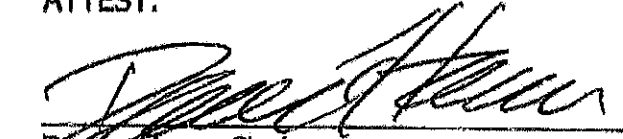
[Signature Page to Follow]

DATED: 1-23-2024

TOWN OF MERTON

By: 
Tim Klink, Chairman

ATTEST:


Donna Hann, Clerk

Dated Adopted: 1-22-2024
Date Published: 1-23-2024
Effective Date: 1-23-2024

VOTE RESULTS >

22

YES

0

NO

0

ABSTAIN

3

ABSENT

Ordinance 178-O-105

Ordinance 178-O-105: Approve Town Of Merton Ordinance No. 17.29 That Repeals And Recreates Section 17. Ordinance Relating To Swimming Pools (RZ142)

Passed By Majority Vote

D1 - Foti	M	AVE	D10 - Thieme	ABSENT	D19 - Enriquez	AVE
D2 - Weil		ABSENT	D11 - Howard	AVE	D20 - Schellinger	AVE
D3 - Morris		AVE	D12 - Wolff	AVE	D21 - Gaughan	AVE
D4 - Batzko		AVE	D13 - Decker	AVE	D22 - Szpara	AVE
D5 - Grant		ABSENT	D14 - Mommaerts	AVE	D23 - Hammitt	AVE
D6 - Walz		AVE	D15 - Kolb	AVE	D24 - Bangs	AVE
D7 - LaFontain		AVE	D16 - Crowley	AVE	D25 - Johnson	AVE
D8 - Koremenos		AVE	D17 - Meier	S		
D9 - Heinrich		AVE	D18 - Nelson	AVE		

13th Meeting, 178th Year of the County Board of Supervisors - March 26 2024 07:38:48 AM

March 26, 2024

