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www.ci.mequon.wi.us

Office of the City Administrator

PUBLIC WELFARE COMMITTEE

Tuesday, April 11, 2023

5:15 PM

Lower Conference Room

Agenda

1) Call to Order, Roll Call

2) Approval of Meeting Minutes

Action requested: review and approve

a. March Minutes

3) Ordinances

Action requested: review and recommend approval

a. **ORDINANCE 2023-1648** An Ordinance Amending Chapter 10 of the Mequon Municipal Code, Related to Residential Swimming Pools Standards

4) Discussion Items

Action requested: discuss and take action as needed

a. Chapter 58 Zoning Code Text Amendment Related to the storage of Recreational Vehicles

b. Home Irrigation Update

c. City Provided Cell Phone Policy Discussion

5) Work Calendar

6) Adjourn

Dated: April 11, 2023

/s/ Dale Mayr, Chair

Notice is hereby given that a quorum of other governmental bodies may be present at this meeting to present, discuss and/or gather information about a subject over which they have decision-making responsibility, although they will not take formal action thereto at this meeting.

Persons with disabilities requiring accommodations for attendance at this meeting should contact the City Clerk's Office at 262-236-2914, twenty-four (24) hours in advance of the meeting.

Any questions regarding this agenda may be directed to the City Administrator's Office at 262-236-2941, Monday through Friday, 8:00 AM – 4:30 PM



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Office of the City Administrator

PUBLIC WELFARE COMMITTEE

Tuesday, March 14, 2023

5:15 PM

Lower Conference Room

Minutes

I) Call to Order

Present:

Chair Dale Mayr
 Alderman Mark Gierl
 Alderman Kathleen Schneider

Also Present: Assistant City Administrator Schoenemann, City Attorney Sajdak, Assistant Community Development Director Zader, Inspections Supervisor Golden, and Executive Assistant Enea

II) Approval of Meeting Minutes

1. February Meeting Minutes

Alderman Gierl pointed out that the February Minutes stated that the pool cover item would be revisited on the March agenda, but it was not listed as an item for discussion. City Attorney Sajdak said the calculations related to the strength of pool covers was not ready for the March meeting, but it would be ready for the April meeting.

RESULT: **Approved by Voice Acclamation [Unanimous]**

MOVED BY: Alderman Mayr

III) Ordinances

Action requested: review and recommend approval

- 1. ORDINANCE 2023-1643** An Ordinance Amending Chapter 10 of the Mequon Municipal Code, Updating References to, and Requirements of, Applicable Administrative Code Provisions Related to Building Permits

The Community Development Department's provider, E-Sign, reviewed the City's ordinances and made recommended language changes based on the state's requirements for building permits. The proposed amendments from E-Sign were reviewed and recommended by staff from the Community Development Department.

Attachment: PW Mins 031423 (8347 : March Minutes)

RESULT: Approved by Voice Acclamation [Unanimous]
MOVED BY: Alderman Schneider
SECONDED BY: Alderman Mayr

AYES: Mayr, Gierl, Schneider

IV) Discussion Items

1. Chapter 58 Zoning Code Text Amendment Related to the Length of Recreational Vehicles

One of Alderman Mayr's residents requested the length of recreational vehicles to be stored on residential property be discussed and possibly modified from 20 feet to 22 feet. According to Community Development staff, there have been 42 complaint-driven violations of this particular code. Most complaints are about size or if the recreational vehicle is on grass. Assistant Community Development Director Zader researched some other organizations to see what length is allowed in their respective communities. Assistant Director Zader found that Menomonee Falls and Fox Point allow up to 35 feet, Verona and Nina allow 22 feet, and Sun Prairie allows 25 feet. Some communities have time frames to allow for loading and unloading, and others have different restrictions for summer vs. winter. Assistant Director Zader pointed out the current code does not say that the recreational vehicle needs to be on a pad. The Committee thought a pad or gravel should be specified. The language will be cleared up and brought back to the next meeting.

2. City Provided Cell Phone Policy Discussion

Assistant City Administrator Schoenemann told the Committee that the City's cell phone policy was last updated in 2012. The recent IT Strategic Plan identified that it needed to be updated again. The Committee suggested that no personal accounts or apps should be on an employee's phone. Also, it should be used for work purposes only or for personal use only in cases of emergency. The policy will be updated based on the Committee's feedback and brought back for review at the next meeting.

V) Work Calendar

1. Pool Covers
2. Recreational Vehicles
3. Cell Phone Policy
4. Composting
5. Home Irrigation Systems

VI) Adjourn

Alderman Gierl moved to adjourn at 5:44 P.M. and Alderwoman Schneider seconded.

Respectfully Submitted,

Carrie Enea
Executive Assistant

Attachment: PW Mins 031423 (8347 : March Minutes)



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Office of City Attorney

TO: Public Welfare Committee
FROM: Brian Sajdak, City Attorney
DATE: February 9, 2023
SUBJECT: ORDINANCE 2023-1648 An Ordinance Amending Chapter 10 of the Mequon Municipal Code, Related to Residential Swimming Pools Standards

Background

The City presently adopts the Wisconsin Uniform Building Code with respect to the installation of swimming pools. The Code requires fences for all non-temporary pool installations. A resident had approached the Public Welfare Committee to request that the City consider amending its code to allow for power safety covers in lieu of fences for residential pools. Following lengthy discussion, the Council approved changes last fall that allow for power safety covers in certain circumstances.

Following implementation of the changes, City building inspection staff identified multiple changes that could be made to clarify the regulations around pools and power safety covers and also eliminate conflict points between the ordinance and the American Society for Testing and Materials (ASTM) standard. These changes will clarify the approval process for both staff and residents.

Discussion

Attached is a proposed ordinance which repeals and recreates Section 10-26 of the Municipal Code. The primary reason for the full repeal and re-adoption is that the current section contained online does not reflect consistent numbering for paragraphs as is the case throughout the rest of the Code (e.g., in other sections the first paragraph in a section is labeled (a), whereas in this section it is labeled (1)). It is unclear if this was the result of drafting when the Code was originally adopted or if this was an error by the company that codifies the City's Code. This ordinance will clarify that the same numbering standard should apply here.

Also attached is a version of Section 10-26 that shows the changes made in a black-lined format. These changes are:

1. The definition of power safety cover is amended to simply require the cover to meet the applicable ASTM standard. Under the current version of the definition, the City deviates from the standard in two ways. First, the City requires the operating switch to be placed at least five feet above the ground in all cases. Under the standard, only a switch that is not lockable (e.g., secure enclosure, keypad, keyed operation) needs to be that high. Second, the City specifies that a cover shall hold a minimum weight of 2,000. Staff have discovered that

companies do not certify weights other than what is required by the ASTM standard. Further, there is a difference between the standard and the City's current language as well. The Code language specifies only that the pool cover hold 2,000 pounds in total whereas the ASTM specification (485 pounds) is based on a modified pounds per-square-foot basis (individual weights within 1 square foot and the total weight clustered within a 3-foot radius). A cover that meets the ASTM specification will hold a higher amount of weight across the full area of the cover. Additionally, the ASTM standard is the better standard to address the safety concerns previously identified in that the per-square-foot basis ensures higher safety than a standard across the full cover. This coupled with the lack of certification method for the 2,000-pound standard suggests that modification of this requirement is appropriate.

Per the Public Welfare Committee's request, attached is a document showing the calculation for the capacity equating the per-square-foot weight from the ASTM standard with the total capacity weight that is presently in the Code. As is evident, typically-sized pools all easily exceed the 2,000 pound limit the Code presently contains. Small pools, on the other hand, do not exceed the 2,000 pound limit. However, it is believed that this is still acceptable because (a) most small pools are not that deep thereby minimizing the risk of drowning for adults that would fall through and (b) it would be less likely that excessive weight would be on the surface of the cover given the small surface area (e.g., it is easy for multiple people to be on a surface where the width is 12 feet versus 6 feet).

2. In both areas where latches are described, the height for the latching mechanism is reduced from 54 inches to 36 inches, which is the height specified in the Uniform Building Code. This height retains the safety for toddlers while also ensuring that the latches comply with ADA accessibility concerns.

3. The requirement for both an alarm and a pool cover has been removed. The Code as adopted requires that where a power safety cover is in place, the cover needs to be closed unless it is actively in use or supervised by someone over the age of 15. However, the Code also requires that the pool in these circumstances is equipped with an alarm. These requirements are contradictory in that the alarm would not be armed if the pool is in use, but there would be no need for an alarm where the cover is in place - which is required if the pool is not in use. In addition, staff has learned that some types of alarms would physically conflict with a pool cover's operation.

Recommendation

A recommendation is forthcoming from the Public Welfare Committee on April 11, 2023.

Attachments:

Swimming Pool Ordinance Update - 2-23 Blackline (DOCX)

Pool Cover Capacity Calculation (DOCX)

COMMON COUNCIL
OF THE
CITY OF MEQUON

ORDINANCE 2023-1648

An Ordinance Amending Chapter 10 of the Mequon Municipal Code, Related to Residential
Swimming Pools Standards

RECITALS

A. The Common Council previously adopted Section 10-26 of the Mequon Municipal Code, which establishes certain regulations for residential swimming pools including the use of power safety covers.

B. Following the adoption of those regulations, City staff identified multiple corrections or clarifications that would improve the enforcement of the Code.

C. The Common Council desires to amend those regulations pursuant to staff recommendations.

D. The regulation of swimming pools furthers the health, safety and welfare of the community.

BASED UPON THE FOREGOING RECITALS, the Common Council of the City of Mequon, Wisconsin, do ordain as follows:

SECTION I

Section 10-26 of the Mequon Municipal Code is repealed and recreated to read as follows:

10-26 - Residential Swimming Pools.

No person shall construct, install or enlarge a residential swimming pool not enclosed in a permanent building within the city except in accordance with the following regulations.

(a) Definitions.

(1) "Swimming pool" means any depression in the ground, either temporary or permanent, or a container of water, either temporary or permanent and either above or below the ground, in which water more than 18 inches deep is contained and which is used primarily for the purpose of bathing or swimming. "Swimming pool" includes a spa, hot

tub, and temporary pool unless otherwise specifically excluded within this section.

(2) "Temporary pool" means any swimming pool that has a surface area of less than 314.159 square feet (20-foot diameter) which is installed for any length of time less than four (4) months and which is installed after May 1 and removed by September 30 in the same year.

(3) "Power safety cover" means a barrier which can be placed over the water area of a pool that provides a high level of safety for children under the age of five by inhibiting their access to the water which is certified to meet the minimum qualification criteria for a Power Safety Cover as specified in American Society for Testing and Materials (ASTM) specification 1346-91 provided that any operating switch be located within the line of sight of the operation of the cover and is operated by a secure key or keypad. An operating switch that is not operated by a key or keypad shall be installed at least 5 feet above the surface below the switch.

(4) "Decorative" as applied to fences means that a fence is made of PVC, wrought iron, or aluminum pickets, or is a painted or stained shadow-box or board-on-board type fence, or similar design as approved by the Department of Community Development. Decorative shall not include chain link, snow or other temporary fencing.

(b) Permit.

(1) Required. No person shall construct, install, enlarge or alter any private swimming pool, including changing any fence or safety device, unless a permit therefor has first been obtained from the Building Inspector. A temporary pool shall be exempt from this permit requirement.

(2) Application. The following information shall be required:

a. Survey or accurate drawing of the property, in duplicate, showing all existing structures, proposed swimming pool or spa location, fencing if required, and overhead or underground electrical wiring.

b. Type of pool installation, above ground or in-ground.

c. Pool height above highest point of grade if above ground installations.

d. Type and height of fence, if proposed.

- e. Type and support of decking, if proposed.
- f. Type and location of safety features to be installed, if proposed.
- g. Overall size and locations of the above in regard to existing buildings and lot lines for property survey reference.
- h. Any change in finished grade near pool.
- i. County Health Department approval for properties using a private septic system, where applicable.
- j. Site inspection letter from a local wiring utility.
- k. Two copies of a brochure which shows the type, style, etc. of the swimming pool and safety features to be installed.

(c) Construction Requirements.

- (1) No swimming pool shall be located, erected, constructed or maintained within any front yard or closer to any side or rear lot line than allowed by Chapter 58 for permitted accessory structures, and the waterline of any swimming pool shall not be less than four feet from any lot line, wall, fence, structure or building, unless a more stringent requirement is provided for elsewhere in this code.
- (2) No connection shall be made to the sanitary sewer or septic system.
- (3) Gaseous chlorination systems shall not be used for disinfecting swimming pool waters.
- (4) Swimming pools shall be located from well and septic systems in accordance with the Wisconsin State Plumbing Code, Wis. Admin. Code § SPS 383.

(d) Fences or Other Safety Measures.

- (1) All non-temporary swimming pools not enclosed within a permanent building shall be completely enclosed by a decorative fence of sufficient strength to prevent access to the swimming pool, not less than four feet in height and so constructed as not to have voids, holes or

openings larger than four inches in one dimension. No fence shall be located, erected, constructed or maintained closer than four feet to a swimming pool. Gates or doors shall be equipped with a self-closing and self-latching device for keeping the gate or door securely closed at all times when not in actual use. Latches shall be located at least three feet above the ground, accessible deck or stairs. Temporary non-decorative fencing may be approved by the Department of Community Development for a period not to exceed 30 days where necessitated by construction and or safety concerns.

(2) The wall of the house or building facing a swimming pool may be incorporated as a portion of the fence required under paragraph (1) above provided that the swimming pool is equipped with at least one of the following:

- a. Removable mesh fencing that meets the standards of ASTM Specification F2286 in conjunction with a gate that is self-closing and self-latching and can accommodate a key lockable device.
- b. Exit alarms on all doors within a residence that provide direct access to the swimming pool or spa. The exit alarm may cause either an alarm noise or a verbal warning, such as a repeating notification that “the door to the pool is open.”
- c. A self-closing, self-latching device with a release mechanism placed no lower than 36 inches above the floor on all doors of a residence providing direct access to the swimming pool or spa.

(3) In lieu of a fence under paragraph (1) above, a swimming pool may utilize a power safety cover provided that:

- a. The pool is located on a single-family residential parcel within a single-family residential zoning district;
- b. The power safety cover is in working order;
- c. The power safety cover is closed and secured at all times where the pool is not in use by a person of at least 15 years of age or under supervision of a person who is outdoors, within 10 feet of the pool, and is at least 15 years of age;
- d. The water line of the pool is not closer than 30 feet from

any lot line; and

e. The pool is also equipped with at least one of the following:

i. Removable mesh fencing that meets the standards of ASTM Specification F2286 in conjunction with a gate that is self-closing and self-latching and can accommodate a key lockable device.

ii. Exit alarms on all doors within a residence that provide direct access to the swimming pool or spa. The exit alarm may cause either an alarm noise or a verbal warning, such as a repeating notification that “the door to the pool is open.”

iii. A self-closing, self-latching device with a release mechanism placed no lower than 36 inches above the floor on all doors of a residence providing direct access to the swimming pool or spa.

(4) Above ground swimming pools with platforms and railings that are four feet or more in height above ground and temporary pools are not required to be enclosed as provided in paragraph (1) above; however, all ladders and stairways providing access to such swimming pools shall be removed from the swimming pool or shall be adequately fenced and fitted with gates or folded up and locked to prevent entry when the swimming pool is not in use.

(5) Spas and hot tubs are exempt from the fence requirement under paragraph (1) above provided that such spa or hot tub has a locking safety cover which is certified to meet ASTM specification 1346-91 and which shall be in place and locked when the hot tub or spa is not in use.

(e) Electrical Requirements. All electrical installations shall require separate permits and shall be governed by the City or State Electrical Code.

(f) Pool Lights. If overhead flood or other artificial lights are used to illuminate the swimming pool at night, such lights shall be shielded to direct light only on the swimming pool.

(g) Swimming Pool Decks. All decks shall be constructed in accordance with the Uniform Building Code. Decking shall be considered an integral part of the swimming pool and shall comply with the applicable setback dimensions per the

local zoning code.

(h) Drainage. In no case shall any swimming pool be drained onto lands of property owners other than the owner of the swimming pool. Drainage shall be in accordance with city code.

(i) Use of Swimming Pool. No swimming pool shall be so operated as to create a nuisance, a hazard or an eyesore or otherwise to result in a substantial adverse effect on neighboring properties. Repeated violations of this code shall constitute a public nuisance, abatement of which may include removal of the pool in addition to all other remedies available by law.

(j) Applicability of codes and standards. Where this section adopts or references a specific code, standard, specification or the like, such adoption or reference shall include all amendments and revisions thereto, and the most recent version in effect at the time a pool (or any of its safety features) is constructed, installed, changed, remodeled, or enlarged shall apply.

SECTION II

The terms and provisions of this ordinance are severable. Should any term or provision of this ordinance be found to be invalid by a court of competent jurisdiction, the remaining terms and provisions shall remain in full force and effect.

SECTION III

All ordinances and parts of ordinances in contravention to this ordinance are hereby repealed.

SECTION IV

This Ordinance shall become effective the day after its publication as provided by law.

Approved by: Andrew Nerbun, Mayor

Date Approved: April 11, 2023

I certify that the foregoing Ordinance was adopted by the Common Council of the City of Mequon, Wisconsin, at a meeting held on April 11, 2023.

Caroline Fochs, City Clerk

Published: _____

10-26 – Residential Swimming Pools.

No person shall construct, install or enlarge a residential swimming pool not enclosed in a permanent building within the city except in accordance with the following regulations.

(a) Definitions.

- (1) "Swimming pool" means any depression in the ground, either temporary or permanent, or a container of water, either temporary or permanent and either above or below the ground, in which water more than 18 inches deep is contained and which is used primarily for the purpose of bathing or swimming. "Swimming pool" includes a spa, hot tub, and temporary pool unless otherwise specifically excluded within this section.
- (2) "Temporary pool" means any swimming pool that has a surface area of less than 314.159 square feet (20-foot diameter) which is installed for any length of time less than four (4) months and which is installed after May 1 and removed by September 30 in the same year.
- (3) "Power safety cover" means a barrier which can be placed over the water area of a pool that provides a high level of safety for children under the age of five by inhibiting their access to the water which ~~meets all of the following minimum qualifications:~~
 - a. ~~Static Load — the power safety cover shall hold a minimum weight of 2,000 pounds, irrespective of the width or diameter of the pool.~~
 - b. ~~Operating switch — the switching device shall be:~~
 - i. ~~located a minimum of five feet above the ground or surface below such switching device; and~~
 - ii. ~~locked in a secure enclosure, or operated by a key or touchpad.~~
 - c. ~~Except as provided above, the power safety cover shall be~~ is certified to meet the minimum qualification criteria for a Power Safety Cover as specified in American Society for Testing and Materials (ASTM) specification 1346-91 **provided that any operating switch be located within the line of sight of the operation of the cover and is operated by a secure key or keypad. An operating switch that is not operated by a key or keypad shall be installed at least 5 feet above the surface below the switch.**
- (4) "Decorative" as applied to fences means that a fence is made of PVC, wrought iron, or aluminum pickets, or is a painted or stained shadow-box or board-on-board type fence, or similar design as approved by the Department of Community

Development. Decorative shall not include chain link, snow or other temporary fencing.

(b) Permit.

- (1) Required. No person shall construct, install, enlarge or alter any private swimming pool, including changing any fence or safety device, unless a permit therefor has first been obtained from the Building Inspector. A temporary pool shall be exempt from this permit requirement.
- (2) Application. The following information shall be required:
 - a. Survey or accurate drawing of the property, in duplicate, showing all existing structures, proposed swimming pool or spa location, fencing if required, and overhead or underground electrical wiring.
 - b. Type of pool installation, above ground or in-ground.
 - c. Pool height above highest point of grade if above ground installations.
 - d. Type and height of fence, if proposed.
 - e. Type and support of decking, if proposed.
 - f. Type and location of safety features to be installed, if proposed.
 - g. Overall size and locations of the above in regard to existing buildings and lot lines for property survey reference.
 - h. Any change in finished grade near pool.
 - i. County Health Department approval for properties using a private septic system, where applicable.
 - j. Site inspection letter from a local wiring utility.
 - k. Two copies of a brochure which shows the type, style, etc. of the swimming pool and safety features to be installed.

(c) Construction Requirements.

- (1) No swimming pool shall be located, erected, constructed or maintained within any front yard or closer to any side or rear lot line than allowed by Chapter 58 for permitted accessory structures, and the waterline of any swimming pool shall not be less than four feet from any lot line, wall, fence, structure or building, unless a more stringent requirement is provided for elsewhere in this code.

- (2) No connection shall be made to the sanitary sewer or septic system.
 - (3) Gaseous chlorination systems shall not be used for disinfecting swimming pool waters.
 - (4) Swimming pools shall be located from well and septic systems in accordance with the Wisconsin State Plumbing Code, Wis. Admin. Code § SPS 383.
- (d) Fences or Other Safety Measures.
- (1) All non-temporary swimming pools not enclosed within a permanent building shall be completely enclosed by a decorative fence of sufficient strength to prevent access to the swimming pool, not less than four feet in height and so constructed as not to have voids, holes or openings larger than four inches in one dimension. No fence shall be located, erected, constructed or maintained closer than four feet to a swimming pool. Gates or doors shall be equipped with a self-closing and self-latching device for keeping the gate or door securely closed at all times when not in actual use. Latches shall be located at least three feet above the ground, accessible deck or stairs. Temporary non-decorative fencing may be approved by the Department of Community Development for a period not to exceed 30 days where necessitated by construction and or safety concerns.
 - (2) The wall of the house or building facing a swimming pool may be incorporated as a portion of the fence required under paragraph (1) above provided that the swimming pool is equipped with at least one of the following:
 - a. Removable mesh fencing that meets the standards of ASTM Specification F2286 in conjunction with a gate that is self-closing and self-latching and can accommodate a key lockable device.
 - b. Exit alarms on all doors within a residence that provide direct access to the swimming pool or spa. The exit alarm may cause either an alarm noise or a verbal warning, such as a repeating notification that “the door to the pool is open.”
 - c. A self-closing, self-latching device with a release mechanism placed no lower than 3654 inches above the floor on all doors of a residence providing direct access to the swimming pool or spa.
 - (3) In lieu of a fence under paragraph (1) above, a swimming pool may utilize a power safety cover provided that:
 - a. The pool is located on a single-family residential parcel within a single-family residential zoning district;

- b. The power safety cover is in working order;
 - c. The power safety cover is closed and secured at all times where the pool is not in use by a person of at least 15 years of age or under supervision of a person who is outdoors, within 10 feet of the pool, and is at least 15 years of age;
 - d. The water line of the pool is not closer than 30 feet from any lot line; and
 - e. The pool is also equipped with:
 - i. ~~An alarm that, when placed in a swimming pool or spa, will sound upon detection of accidental or unauthorized entrance into the water. The alarm shall meet and be independently certified to the ASTM Standard F2208 "Standard Safety Specification for Residential Pool Alarms," which includes surface motion, pressure, sonar, laser, and infrared type alarms. A swimming protection alarm feature designed for individual use, including an alarm attached to a child that sounds when the child exceeds a certain distance or becomes submerged in water, is not a qualifying drowning prevention safety feature.~~
 - ii. ~~And at least one of the following:~~
 - 1. Removable mesh fencing that meets the standards of ASTM Specification F2286 in conjunction with a gate that is self-closing and self-latching and can accommodate a key lockable device.
 - 2. Exit alarms on all doors within a residence that provide direct access to the swimming pool or spa. The exit alarm may cause either an alarm noise or a verbal warning, such as a repeating notification that "the door to the pool is open."
 - 3. A self-closing, self-latching device with a release mechanism placed no lower than 36~~54~~ inches above the floor on all doors of a residence providing direct access to the swimming pool or spa.
- (4) Above ground swimming pools with platforms and railings that are four feet or more in height above ground and temporary pools are not required to be enclosed as provided in paragraph (1) above; however, all ladders and stairways providing access to such swimming pools shall be removed from the swimming pool or shall be adequately fenced and fitted with gates or folded up and locked to prevent entry when the swimming pool is not in use.

- (5) Spas and hot tubs are exempt from the fence requirement under paragraph (1) above provided that such spa or hot tub has a locking safety cover which is certified to meet ASTM specification 1346-91 and which shall be in place and locked when the hot tub or spa is not in use.
- (e) Electrical Requirements. All electrical installations shall require separate permits and shall be governed by the City or State Electrical Code.
- (f) Pool Lights. If overhead flood or other artificial lights are used to illuminate the swimming pool at night, such lights shall be shielded to direct light only on the swimming pool.
- (g) Swimming Pool Decks. All decks shall be constructed in accordance with the Uniform Building Code. Decking shall be considered an integral part of the swimming pool and shall comply with the applicable setback dimensions per the local zoning code.
- (h) Drainage. In no case shall any swimming pool be drained onto lands of property owners other than the owner of the swimming pool. Drainage shall be in accordance with city code.
- (i) Use of Swimming Pool. No swimming pool shall be so operated as to create a nuisance, a hazard or an eyesore or otherwise to result in a substantial adverse effect on neighboring properties. Repeated violations of this code shall constitute a public nuisance, abatement of which may include removal of the pool in addition to all other remedies available by law.
- (j) Applicability of codes and standards. Where this section adopts or references a specific code, standard, specification or the like, such adoption or reference shall include all amendments and revisions thereto, and the most recent version in effect at the time a pool (or any of its safety features) is constructed, installed, changed, remodeled, or enlarged shall apply.

Basic Capacity Calculation

$$Capacity = Area \times Capacity\ Per\ Area\ of\ Unit$$

ASTM Standard

ASTM Standard provides the following certification test:

This test shall be conducted to demonstrate that the cover is capable of supporting a weight of (a) 485 lbs (composed of one 210-lb, one 225-lb or one 50-lb weight) for pools or spas within a width or diameter greater than 8 ft or (b) 275 lbs (composed of one 225-lb and one 50-lb weight) for a pool or a spa with a width or diameter equal to or less than 8 ft distributed over 1 ft² each, all of which are within a 3-ft radius without the test objects causing damage which would allow any of the test objects to pass through the cover.

Two components: Large Pools and Small Pools

Large Pools

Total of 485 pounds spread over 28.274 sq. ft. ($28.274\text{sq. ft.} = \pi 3\text{ft.}^2$) results:

$$485\text{lbs} \div 28.274\text{sq. ft.} = \frac{17.153\text{lbs}}{\text{sq. ft.}}$$

1. Assuming pool with minimum diameter of 8 feet per the standard:

$$\text{Area: } 50.265\text{sq. ft.} = \pi 4\text{ft.}^2$$

$$\text{Capacity: } 862.19\text{ lbs} = 50.265\text{sq. ft.} \times 17.153 \frac{\text{lbs}}{\text{sq. ft.}}$$

2. Assuming a pool with 16-foot diameter:

$$\text{Area: } 201.06\text{sq. ft.} = \pi 8\text{ft.}^2$$

$$\text{Capacity: } 3,448.81\text{ lbs} = 201.06\text{sq. ft.} \times 17.153 \frac{\text{lbs}}{\text{sq. ft.}}$$

3. Assuming Rectangular Pool 12 x 24:

$$\text{Area: } 288\text{sq. ft.} = 12\text{ft.} \times 24\text{ft.}$$

$$\text{Capacity: } 4,940.064\text{ lbs} = 288\text{sq. ft.} \times 17.153 \frac{\text{lbs}}{\text{sq. ft.}}$$

4. Assuming Rectangular Pool 16 x 32:

$$\text{Area: } 512 \text{ sq. ft.} = 16 \text{ ft.} \times 32 \text{ ft.}$$

$$\text{Capacity: } 8,782.336 \text{ lbs} = 512 \text{ sq. ft.} \times 17.153 \frac{\text{lbs}}{\text{sq. ft.}}$$

Small Pools

Total of 275 pounds spread over 28.274 sq. ft. ($28.274 = \pi 3^2$) results:

$$275 \text{ lbs} \div 28.274 \text{ sq. ft.} = \frac{9.726 \text{ lbs}}{\text{sq. ft.}}$$

1. Assuming pool with a 6-foot diameter:

$$\text{Area: } 28.274 \text{ sq. ft.} = \pi 3 \text{ ft.}^2$$

$$\text{Capacity: } 274.993 \text{ lbs} = 28.274 \text{ sq. ft.} \times 9.726 \frac{\text{lbs}}{\text{sq. ft.}}$$



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www.ci.mequon.wi.us

Office of Community Development

TO: Public Welfare Committee
FROM: Jac Zader, Assistant Director Community Development
DATE: April 11, 2023
SUBJECT: Chapter 58 Zoning Code Text Amendment Related to the storage of Recreational Vehicles

Background

On March 14, 2023 the Public Welfare Committee discussed the parking requirements on residential properties as it relates to Recreational Vehicles. Attached is Section 58-441 (11) of the zoning code related to parking on residential properties. According to subsection (d) every residential property is allowed to have one camper, boat, trailer, or other recreational vehicle not to exceed 20 feet in length or 10 feet in height. These vehicles need to be closer to the dwelling than to any adjacent lot line. The Committee recommended not changing any of the existing technical requirements of the code but did recommend adding language that requires the vehicles or equipment to be located on a paved or impervious surface. Attached is the track changes version of the proposed text amendment. Staff has also changed the language for the parking requirements for automobiles and other vehicles to match the proposed language.

Enforcement History

In 2022, the City of Mequon has issued 42 violation letters related to this code section. The majority of the orders were related to exceeding the 20-foot length requirement. Recreational vehicles accounted for the majority of the violation letters (13). Other violation letters were related to the length of boats, trailers, trucks, and construction vehicles. In some cases, the orders included multiple violations including the height of the vehicle and the location of where it was parked.

Staff Recommendation:

Staff recommends approval of the proposed language.

Attachments:
Sec.58.441 Redline (DOCX)

Sec. 58-441. Parking requirements.

- (11) *Residential parking.* The provisions of this subsection shall apply to the following vehicles: Automobiles, trucks, vans, snowmobiles, mopeds, boats, all-terrain vehicles, camping trailers, mobile homes, motor homes, pick-up campers, motor buses, road tractors, truck tractors, motorcycles, trailers, semi-trailers, panel trucks, dump trucks, road machinery, farm implements, riding lawn care/snow removal tractors, and other such engine driven devices or vehicles designed to be towed by a motor vehicle, collectively referred to herein as "vehicles" unless otherwise specifically stated.
- a. The unenclosed parking or storage of unlicensed, unregistered, inoperable or junk vehicles is expressly prohibited within the City of Mequon.
 - b. The unenclosed parking or storage of more than one licensed but non-operated vehicles is not permitted for longer than 180 consecutive days beyond which time the vehicles must either be enclosed in a garage or removed from the site.
 - c. The unenclosed storage of not more than one snowmobile, moped, boat, all-terrain vehicle, camping trailer, mobile home, motor home, pick-up camper, trailer, panel truck, snow removal tractor or other similar device shall be permitted, provided such vehicle does not exceed 10,000 pounds empty weight or in the case of a trailer, boat, camping trailer, mobile home, panel truck or motor home a total length of 20 feet or an overall height of ten feet. Note: lawnmowers shall not be subject to this limitation. Storage of these vehicles shall at all times be closer to the principal residence than any adjoining lot line but never within 40 feet of an abutting right-of-way. Furthermore, such storage shall be restricted to vehicles owned by the resident of property upon which the vehicles are parked or stored. All vehicles and equipment must be parked or stored on an impervious surface.
 - d. The unenclosed parking or storage of personal use automobiles, trucks and vans with an empty weight of not more than 10,000 pounds, total length of not more than 20 feet and overall height of not more than ten feet shall not be restricted in number unless, as determined by finding of City of Mequon department of community development and/or planning commission, the number of personal use automobiles, trucks and vans parked on an individual property is excessive, unusual or atypical with respect to the character of the surrounding neighborhood. If such finding occurs, the city may limit the number of unenclosed automobiles parked on a single property. Additionally, all personal use automobiles, trucks and vans shall be parked only on a driveway or ~~paved surface~~ an impervious surface and be owned by the residents or guests of the residents of the property upon which the vehicles are parked or stored.
 - e. Unenclosed parking or storage of any vehicles not specifically identified or permitted in this subsection shall require specific approval by the director of community development and/or planning commission. Approval may be based on, among other things, evidence that appropriate screening is available or will be installed to mitigate the visual effect such parking or storage may have on the surrounding neighborhood.
 - f. The conditions set forth in this subsection shall not contravene any other ordinance of the city which can be construed as more restrictive than the terms set forth herein.
 - g. Where applicable, definitions of the terms utilized in this subsection shall be in accordance with definitions listed in Wis. Stats. ch. 340.



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Office of Community Development

TO: Public Welfare Committee
FROM: Karen Heil, Administrative Assistant
DATE: April 11, 2023
SUBJECT: Home Irrigation Update

Background

Community Development was asked to maintain a record of permits issued for home irrigation systems over the past year. The attached spreadsheet shows permits issued, along with the applicants address and source of water (well or city) since 2021. A total of 14 permits have been issued, of which seven are on private wells. The Engineering Department used to check levels of the aquafer whenever a new well was drilled but stopped in 2019 as it was deemed unnecessary.

Greg Golden
Building Inspections Supervisor

Attachments:
Permits (XLSX)

Sprinkler/Backflow Permit Tracking

Permit #	Date	Address	Water Usage: City or Well
P41220	9/7/21	11260 N Ashbury Woods	W
P41426	11/30/21	12460 N Lakeshore Dr	W
P41453	12/8/21	10434 O'Connell Ln	W
P41647	3/7/22	10749 N Tree Sparrow Drive	C
P41720	4/11/22	12831 Port Washington Rd	C
P41797	5/20/22	12012 W Freistadt Rd	W
P41983	7/1/22	12448 N Crane Bay Ct	C
P42208	9/30/22	6202 Foxtown Drive	C
P42210	9/30/22	6183 Foxtown Drive	C
P42211	9/30/22	6220 Fox Crossing	C
P42254	10/24/22	5300 W County Line Rd	W
P42340	12/16/22	10911 N Port Washington Road	C
P42695	2/23/23	9709 N Range Line Rd	W
P42708	3/2/23	10524 N Woodcrest Dr	W

Attachment: Permits (8236 : Home Irrigationl Update)



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Office of Administration

TO: Public Welfare Committee
FROM: Justin Schoenemann, Assistant City Administrator
DATE: March 8, 2023
SUBJECT: City Provided Cell Phone Policy Discussion

Background

At its last meeting, the Public Welfare Committee discussed the City's cell phone policy. The policy is part of the City's Policy and Procedures Manual and was last updated in 2012. The Committee reviewed staff's suggestion updates and provided additional feedback for amending the policy. Attached as Exhibit A is a copy of the existing policy and a redlined version of such incorporating the Committee's direction from the March meeting.

Recommendation

City staff is prepared to gather the Committee's feedback and suggestions on the amendments drafted. Staff will incorporate any additional modifications into a larger IT policy update for the Policy and Procedure Manual as identified by the IT Strategic Plan. It is on the IT Division's work plan to bring forward updated IT related policies to the Finance-Personnel Committee and Common Council for approval later this year.

Attachments:

Exhibit A - Cell Phone Policy(PDF)

Exhibit A

Current City Sponsored Cell Phone Policy

If deemed necessary by the Department Head, an employee may be required to carry a City sponsored cell phone.

Use of the City sponsored cell phone shall be limited to City related business. Personal use of the City sponsored cell phone should be kept to a minimum. Employee use of the phone is not confidential, the City Administrator his/her designee or the Department Head has the right to view cell phone activity.

Use of any cell phone is prohibited while driving a City sponsored vehicle unless the phone is being used for emergency purposes. Texting while driving is prohibited.

Redlined Proposed City Sponsored Cell Phone Policy

If deemed necessary by the Department Head, an employee may be required to carry a City sponsored cell phone for official business. The cell phone and its contents are the property of the City. An employee with a City sponsored cell phone is responsible for the phone's security and must have the device password protected.

Use of the City sponsored cell phone functions shall be limited to City related business. No personal accounts and applications shall be installed or connected to a City sponsored cell phone. Personal use of the City sponsored cell phone for calling, texting, and messaging should be kept to a minimum limited to emergency situations. Employee use of the phone is not confidential, the City Administrator, his/her designee, or the Department Head has the right to view cell phone activity.

Use of any cell phone is prohibited while driving a City sponsored vehicle unless the phone is being used for emergency purposes. Texting while driving is prohibited.

A lost or stolen cell phone must be reported by an employee to their supervisor as soon as possible.



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Office of Administration

TO: Public Welfare Committee
FROM: Justin Schoenemann, Assistant City Administrator
DATE: February 7, 2023
SUBJECT: Work Calendar

Meeting Topics

March

- Recreation Vehicle Length
- Building Code Update
- City Cell Phone Policy

April

- Pool Covers Ordinance(Continued)
- Recreational Vehicle Length (Continued)
- Home Irrigation Systems Update
- City Cell Phone Policy (Continued)

May

- Home Irrigation Systems
- Composting Plan (Continued)

Future Agenda Topics

- Architectural Board Review (Continued)
- Chapter II, Article IV Review (Continued)
- Composting Plan (Continued)
- Community Survey
- Adopt-A-Median Program
- Community Outreach Initiatives
- Logo Redesign/Branding

2023 Completed Items

- Setbacks For R-2 Zoning District
- No Mow May
- Nuisance Ordinance
- Bird City Designation
- Bee City Designation