



11333 N. Cedarburg Road
Mequon, WI 53092
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www.ci.mequon.wi.us

Office of the City Administrator

PUBLIC WELFARE COMMITTEE
Wednesday, August 10, 2022
5:15 PM
Lower Conference Room

Agenda

- 1) Call to Order, Roll Call
- 2) Approval of Meeting Minutes
Action requested: review and approve
 - a. July Meeting Minutes
- 3) Ordinances
Action requested: review and recommend approval
 - a. **ORDINANCE 2022-1618** An Ordinance Creating Section 10-26 of the Mequon Municipal Code, Related to Residential Swimming Pools
- 4) Discussion Items
Action requested: discuss and take action as needed
 - a. Composting Plan
- 5) Work Calendar
- 6) Adjourn

Dated: August 10, 2022

/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, July 12, 2022

5:30 PM

Lower Conference Room

Minutes

1) Call to Order, Roll Call

Present:

Chair Dale Mayr
Alderman Mark Gierl
Alderman Kathleen Schneider

Also Present: Alderman Bushee, City Attorney Sajdak, Assistant City Administrator Schoenemann, and Executive Assistant Enea

2) Approval of Meeting Minutes

a. Public Welfare Committee meeting minutes of June 14, 2022

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

MOVED BY: Alderman Schneider

SECONDED BY: Alderman Gierl

AYES: Mayr, Gierl, Schneider

3) Discussion Items

a. Composting Plan

Assistant Director Schoenemann shared his discussion with Mike Gies, the Forestry and Parks Superintendent, of what is currently being done at the Brush Site. A contractor pays the City around \$2,500/year to take the grass and leaf waste from the site. It is DNR regulated and the City needed to outsource because the site did not meet the regulations. The Committee asked Assistant Director Schoenemann to see if this same company would take compost as well, if Superintendent Gies could come to the next meeting, and to see if any of the other disposal companies pick-up compost.

4) Ordinances

Action requested: review and recommend approval

Attachment: PW Meeting Minutes 071222 (7581 : July Meeting Minutes)

- a. **ORDINANCE 2022-1627** An Ordinance Repealing and Recreating Section 2-63(d) of the Mequon Municipal Code, Relating to Mayoral and Aldermanic Vacancies

The Committee requested City Attorney Sajdak to add a reference to the succession ordinance in case a mayoral appointment needed to be made.

RESULT: **Approved with Amendments [Unanimous]**

MOVED BY: Alderman Schneider

SECONDED BY: Alderman Gierl

AYES: Mayr, Gierl, Schneider

- b. **ORDINANCE 2022-1618** An Ordinance Creating Section 10-26 of the Mequon Municipal Code, Related to Residential Swimming Pools

City Attorney Sajdak presented the Committee with a few PowerPoint slides to discuss the issues raised regarding the swimming pool covers. The issues discussed were four sided fencing, pool alarms, door alarms, lot issues (Zoning district specific and lot size requirements), setbacks/offsets (match Zoning district?), and enforcement concerns (supervision, inspections, and repeat offenders). Alderman Parrish sent an email to the Committee asking them to consider the following items:

- ½ acre minimum requirement
- 30 ft side yard and rear setback requirement
- Inspection check by third-party licensed contractor every three years or upon the sale of the property (whichever is sooner) certifying compliance.
- Increase the fines significantly
- 2 C1- rephrase: waterline after normal setback, wall/fence/structure to be 4 ft
- For someone who breaks the code repeatedly, what mechanism do we have to force a pool fence to be installed?

Alderman Mayr asked the Committee to send any pool ideas/concerns to City Attorney Sajdak before the next meeting.

5) Work Calendar

Alderman Mayr requested the Nuisance Ordinance to be added to the Work Calendar.

- a. Work Calendar

6) Adjourn

Alderman Gierl moved to adjourn at 6:20 P.M. and Alderwoman Schneider seconded.

Respectfully Submitted,

Carrie Enea
Executive Assistant



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Office of Community Development

TO: Public Welfare Committee
FROM: Kim Tollefson, Director of Community Development
DATE: June 9, 2022
SUBJECT: ORDINANCE 2022-1618 An Ordinance Creating Section 10-26 of the Mequon Municipal Code, Related to Residential Swimming Pools

Please see attached memo by City Attorney Sajdak.

Attachments:

Memo re Swimming Pool Ordinance (PDF)
 Swimming Pool Ordinance - version 6 blacklined (PDF)
 Pool Ord A - How Regulations Are Changing For Pool Automatic Safety Covers - Latham Pool (PDF)
 Pool Ord B - Fw Additional Pool cover information (PDF)
 Pool Ord C - Fw pool covers (PDF)
 Pool Ord D - Fw Great article on changing the by laws (PDF)
 Pool Ord E - Kansas father and son honored for saving 4-year-old boy with autism from drowning (PDF)
 ISPSC Adoption Status Report (PDF)
 PW Meeting Minutes 04 12 22 Draft (DOC)
 WI Uniform Building Code & Information (PDF)
 ASTM Performance Specifications (PDF)
 November 2021 Staff Memo (PDF)
 Auto Pool Cover Information from Amber Schroeder (PDF)
 Safety Pool Cover PHTA Information (PDF)

COMMON COUNCIL
OF THE
CITY OF MEQUON

ORDINANCE 2022-1618

An Ordinance Creating Section 10-26 of the Mequon Municipal Code, Related to Residential Swimming Pools

RECITALS

A. The Common Council previously adopted the Wisconsin Uniform Building Code which, among other things, regulates the installation of swimming pools.

B. According to the Centers for Disease Control and Prevention (CDC), drowning is the leading cause of unintentional death for 1- to 4-year-old children - each year, nearly 300 children under age 5 drown in swimming pools.

C. The Common Council, having reviewed the regulations related to such installations, has determined that the City should adopt specific standards related to the installation of residential swimming pools to allow for the use of automatic safety covers in lieu of fences.

D. The regulation of the installation of residential 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

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 485 pounds, irrespective of the width or diameter of the pool.
 - b. Operating switch - the switching device shall be:
 - i. located a minimum of five (5) 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 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.
- (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 (2) copies of 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 4 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 (4) feet in height and so constructed as not to have voids, holes or openings larger than four (4) inches in one dimension. No fence shall be located, erected, constructed or maintained closer than four (4) 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 (3) 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 54 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, or under the outdoor supervision of, a person of at least 14 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 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 (4) 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: August 10, 2022

I certify that the foregoing Ordinance was adopted by the Common Council of the City of Mequon, Wisconsin, at a meeting held on August 10, 2022.

Caroline Fochs, City Clerk

Published: _____



Private Office:
Wesolowski, Reidenbach & Sajdak, S.C.
11402 W. Church Street
Franklin, WI 53132

www.ci.mequon.wi.us

Office of the City Attorney

TO: Common Council
FROM: Brian C. Sajdak, City Attorney
DATE: August 4, 2022
RE: Swimming Pool Regulations

August Update

Following a reconsideration by the Common Council, and discussion last month with committee, the proposed ordinance has been revised to address some of the concerns raised by the Council in discussion of the proposed ordinance. The changes are highlighted with underlining in the attached draft. Specifically, the major changes that have been made are:

- Specify that power safety covers are only allowed for single family residences in single family zoning districts.
- Specify that a pool with a power safety cover must be at least 30 feet from any property line. Note that building offsets in residential zoning districts range from 20 feet to 30 feet. The proposed ordinance sets a consistent standard for all pools without regard to their location.
- Provides that repeated violations constitutes a public nuisance and sets removal of the pool as a potential method of abating that nuisance.
- Clarifies that all references to standards are to the current standard in place at the time of installation of the pool/safety feature.

Community Development Staff has provided the following general comments with respect to any proposed ordinance:

- We are attempting to fix a problem that does not exist.
- We are addressing a public policy issue that has not been of great public interest. Very little public input has been provided on the proposal. Further, the original proponent of the ordinance has pulled a fence permit for a permanent fence based on needs other than the pool.
- The suggestions to date make enforcement very challenging, one likely that cannot be best served by Inspections. The peak operations and duration of use of pool when be during times that inspection staff is NOT scheduled to work.
- The enforcement is challenging in that verifying persons of authority, residency, age, etc is not best served by inspections, staff that has little such authority.
- Any regulations established for a cover, without a fence, should be tangible technical standards that came be verified by typical permit and manufacturer standards and technical standards that can be measured in the field.

I would generally agree with the first two bullet points. With respect to enforcement, it is likely that meaningful enforcement could only be completed by the Police Department – although the priority they would assign to this type of enforcement would likely result in decreased effectiveness as they focus on “bigger” issues first. The final bullet point has been achieved in my opinion.

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 has 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 discussion at its December meeting, the Committee requested that I prepare a proposed ordinance to allow for a power safety cover to be used as an alternative to a fence. Further, the Committee also discussed that there are not many standards for pools with fences and that the regulations should be more consistent.

At the April Public Welfare Committee, it was clarified that the regulations would apply only to newly installed pools, or existing pools where safety measures were going to be changed (e.g., a fence removed in favor of an automatic safety cover). Further, at the Committee’s recommendation, if this ordinance is adopted, staff will circulate the new rules in the weekly bulletin and social media to make owners of existing pools aware of the requirements – not because they are required to comply, but so that people are aware and choose to update their pools if they desire. The Committee unanimously recommended the ordinance as presented for approval.

Discussion

According to the Centers for Disease Control and Prevention (CDC), drowning is the leading cause of unintentional death for 1- to 4-year-old children. Each year, nearly 300 children under age 5 drown in swimming pools. Many of these young victims could be saved if homeowners fenced in their pools completely and installed gates with self-closing and self-latching devices. For childproofing pools, the CDC follows the guidelines of the U.S. Consumer and Product Safety Commission (CPSC).¹

The CPSC published Safety Barrier Guidelines for Residential Pools, a set of guidelines written to prevent injuries and deaths around pools.² These guidelines center on keeping children from entering the pool area when unaccompanied by a supervising adult. The CPSC concludes that fences provide the best level of protection. When it considered power safety covers, the CPSC notes that they would be beneficial for adding an additional layer of protection.

Notwithstanding the CPSC’s recommendation, the International Code Council (ICC) and the Association of Pool & Spa Professionals (APSP) developed a set of swimming pool-related building codes called the International Swimming Pool and Spa Code (ISPSA). The 2015 version

¹ <https://www.cdc.gov/nceh/publications/books/housing/cha14.htm>

² <https://www.poolsafely.gov/wp-content/uploads/2017/08/Safety-Barrier-Guidelines-Pub-2017.pdf>

of the ISPSC allows for an automatic power safety cover in lieu of a fence for all inground pools and spas.³ As of February 2022, 14 states have adopted the ISPSC for use state-wide and 19 states have adopted the ISPSC for use as determined by local authorities. Wisconsin has not adopted the ISPSC in any capacity for state-wide use. With that said, there are a handful of municipalities across the state of Wisconsin that have allowed for automatic power safety covers.

To be clear, staff's recommendation is that power safety covers alone should not be allowed. The available data shows that fences provide the best level of safety in all circumstances. Further, enforcement becomes a challenge. With a fence, it is easy to determine whether the fence is solid and without gaps, whether the gate has closed and/or whether the latch is working. With power safety covers, there is significant grey area. Certainly, it can be determined whether the cover is operation or not, just as you can determine whether the latch works. However, the latch is required to be self-locking – it works automatically. A power safety cover does not close automatically. It needs to be operated by the physical controls. Accordingly, staff cannot ensure that the cover is actually used. An owner could install a power safety cover and then proceed to leave it open 24-7, which provides zero protection from drownings. The proposed ordinance includes the requirement of additional safety measures when using a power safety cover, but these safety measures are designed to be secondary to physical access restrictions like a fence.

Based upon discussion at the Committee, an operation requirement was also added. And following last month's discussion at Council that requirement was amended slightly in the draft presented for your consideration. The proposed ordinance requires that a power safety cover be "closed at all times where the pool is not in use by, or under the outdoor supervision of, a responsible individual of at least 14 years of age." This would address situations raised by the Committee where either (a) there are teenage children using the pool without adult supervision or (b) the pool is being "used" for aesthetic or other purposes (e.g., where a party is being held on the property, but nobody is actively swimming because they are eating, sunbathing, relaxing, etc.) but is still supervised. However, as discussed at Committee, these operational requirements are difficult to enforce. If a neighbor calls and says there is no responsible individual present, staff would need to physically observe the lack of a responsible individual before a citation could be issued. Identifying whether a "responsible individual" is present at any specific point in time is virtually impossible, which makes the requirement effectively aspirational as opposed to something that can be enforced. Staff continues to believe that fencing is the best alternative.

One part of the discussion from December's meeting addressed the situations where a pool has a fence on three sides but uses the wall of the residence for the fourth enclosing side. One of the purposes of regulating pool safety is to prevent neighboring children from drowning by being drawn to an unattended pool (the so-called attractive nuisance). However, recognize that one CSPC study found that some 75% of incidents involve pools owned by the victim's family. Accordingly, the proposed ordinance also includes language addressing this circumstance and requires additional safety features to address the risk posed in these circumstances.

At last month's Council meeting, the need to better define the standards for power safety covers was discussed. To address this request, the proposed code still requires certified compliance with

³ <https://codes.iccsafe.org/content/ISPSC2015/chapter-3-general-compliance>

ASTM specification 1346-91 except in two areas. First, The ASTM specification has two different standards for static load depending on the width of the pool. For clarity, and to provide a level of safety for emergency response personnel, the proposed code adopts a singular load requirement of 485 pounds for all pools no matter their width. This will help ensure, for example, that firefighters who are walking through the rear yard in the winter do not fall through a cover by ensuring the power safety cover supports the weight of two adults with gear. Second, the ASTM standard has a wide range of standards for the control switch for a power safety cover. Again, to ensure clarity and improve safety, the proposed code sets a single standard that the switch be located at least 5 feet above ground and also that it be locked with a key or touchpad/code.

The CPSC acknowledges that “[b]arriers are not childproof, but barriers do provide layers of protection for a child when there is a lapse in adult supervision.” Therefore, the City’s code should ensure that there are appropriate levels of protection surrounding a pool for children. Because fences appear to provide the best protection, the proposed ordinance defaults to requiring a fence. However, it also provides the opportunity to utilize a powered safety cover provided that the pool is also equipped with an alarm and one additional safety measure.

Lastly, two questions from the Council discussion last month should be addressed. First, as I indicated at the meeting, this code does not trump any subdivision covenants and homeowner’s/liability insurance requirements may dictate more stringent protection than any code requirements. Owners would be wise to confirm both prior to installing a pool. Second, the proposed code does require a pool permit for installation or for changing the safety features of the pool. Thus, if an owner of an existing pool with a fence wanted to replace the fence with an automatic safety cover, a permit would be required. The Council should establish a fee for that permit if the ordinance is adopted.

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 485 pounds, irrespective of the width or diameter of the pool.
 - b. Operating switch – the switching device shall be:
 - i. located a minimum of five (5) 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 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.
- (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 (2) copies of 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 4 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 (4) feet in height and so constructed as not to have voids, holes or openings larger than four (4) inches in one dimension. No fence shall be located, erected, constructed or maintained closer than four (4) 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 (3) 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:
- 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.
 - 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.”
 - A self-closing, self-latching device with a release mechanism placed no lower than 54 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:
- The pool is located on a single-family residential parcel within a single-family residential zoning district;
 - The power safety cover is in working order;
 - The power safety cover is closed and secured at all times where the pool is not in use by, or under the outdoor supervision of, a person of at least 14 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 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 (4) 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.

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ENJOY COVERS • POOL SAFETY

How Regulations Are Changing For Pool Automatic Safety Covers

July 5th, 2019 by [Mark Smith](#)

Pool Automatic Safety Covers: Helping You Achieve Your Top Priority

While [swimming pool](#) ownership is about family, friends, and fun, there are a number of responsibilities that come with it as well. You're responsible for [opening and closing](#) your pool properly and for keeping it well-maintained throughout pool season if you want to avoid costly repairs.

But perhaps the most important responsibility you have is ensuring that children — especially young children — don't get access to the pool unless they are with an adult. According to the U.S. [Consumer Product Safety Commission](#) (CPSC), the majority of deaths and injuries in pools and spas involve young children ages 1 to 3 and occur in residential settings. Not only do you have a moral obligation to prevent these tragedies, you have a legal one as well.

A New Respect for Automatic Safety Covers

When pool [automatic safety covers](#) first came on the market a while back, government entities were understandably unsure what to make of them. They were welcomed as another form of barrier and clearly held the potential for improving pool safety. However, it would take some time for municipalities to become familiar with — and comfortable with — just how good a deterrent automatic safety covers are.

Until then, the existing swimming pool barrier guidelines would remain in place. For example (consult your local government for regulations in your area), things like:

- Fences four feet high (and ideally higher)
- No handholds or footholds in the barrier construction
- Spacing between vertical slats of no more than 1.75 inches
- Mesh size of no greater than 1.25 inches on chain link fences
- Etc.

However, in recent years, some jurisdictions have begun including [automatic safety covers](#) in their regulations. In fact, they are deemed as effective as fencing and can be used instead of it in some scenarios. (See more information below, and also please get specifics from your local government.)

What are the Regulations Where You Live?

The regulations regarding pool barriers differ by municipality and are subject to change. However, a partnership between the [International Code Council \(ICC\)](#) and the [Association of Pool & Spa Professionals \(APSP\)](#) developed a set of swimming pool-related building codes called the [International Swimming Pool and Spa Code \(ISPSC\)](#) that many municipalities, and entire states in some cases, are adopting.

There are two versions of the code. The 2012 version allows an automatic pool cover in lieu of a fence for inground spas only. The 2015 version allows for an auto cover in lieu of a fence for all inground pools and spas. As an example of how the code is being adopted, here are the states that have put it into effect as of April 2019 (always check with your state or municipality for the latest information):

Mandatory Adoptions

- Georgia
- Louisiana
- Massachusetts
- Michigan
- Montana
- New Jersey
- Virginia
- Washington
- Washington, D.C.
- West Virginia

Optional Adoptions

- Alabama
- Arizona
- California
- Colorado
- Illinois
- Oklahoma
- South Carolina

- Tennessee
- Texas
- Wyoming

Source: [ISPSC Adoption Status Report 04-01-2019](#)

While we can't advise you on the laws affecting your swimming pool, we can tell you all about [pool automatic safety covers](#). The independent [Latham Independent Builder in your area](#) would be happy to talk with you about your needs and how our covers and other products can help you meet them.



MEET OUR EXPERT

Written by Mark Smith

With more than 15 years of experience at Coverstar, Mark is the autocover expert and Product Manager for Automatic Safety Covers at Latham. In his free time he enjoys camping, hiking and exploring the nation's beautiful national parks with his family.

Join the discussion

Leave a Reply

Your email address will not be published. Required fields are marked *

Comment *

Name *

Email *

From: Mark Gierl mgierl@ci.mequon.wi.us
Subject: Fw: Additional Pool cover information
Date: June 3, 2022 at 7:43 AM
To: Brian Sajdak brian@wrslegal.net, mgierl@sbcglobal.net

From: Amber Schroeder <pt.amber@gmail.com>
Sent: Thursday, June 2, 2022 7:09 PM
To: Mark Gierl <mgierl@ci.mequon.wi.us>
Subject: Additional Pool cover information

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Are automatic pool covers safe??

The answer is yes! A Pool Cover Specialists® automatic swimming pool cover is certified to meet or exceed the following Safety Certifications & Codes:

1. ASTM (American Society for Testing and Materials) pool cover safety standard ASTM F1346-91 (2010)
2. ICC (International Code Council) Safety Code ISPSC 305.1 (International Swimming Pool & Spa Code)
3. IAPMO (International Association of Plumbing & Mechanical Officials) Safety Code IAPMO 415.1.3
4. ASHRAE (American Society of Heating, Refrigerating, and Air-Conditioning Engineers), ANSI (American National Standards Institute) Safety Code ANSI/ASHRAE/IES 90.1
5. CPSC (Consumer Product Safety Commission) Approved Safety Barrier



What makes a Pool Cover Specialists® automatic swimming pool cover so safe?

Besides meeting all the safety certifications and being code compliant, automatic swimming pool covers are an “Isolation” Barrier, which unlike other barriers such as fences...an automatic swimming pool cover actually isolates the pool water from

the pool deck and its surroundings. This “Isolation” of the water removes all the temptation for children who, with other safety devices can still see and be enticed by the pool water. Also, ASTM certified automatic swimming pool covers are sealed on all 4 sides of the pool making it almost impossible for a young child to climb over or under the cover to get to the water.



Several Major States (Florida, California, Indiana) now recognize ASTM compliant “Automatic” or “Powered” swimming pool covers as “Stand Alone Barriers” due to their ability to be an isolation barrier...not to mention...pool covers also save energy and water. Safety and Savings all in one barrier...a Pool Cover Specialists® automatic swimming pool cover provides unparalleled safety, savings and convenience!



As per the CPSC: Barriers are not childproof, and nothing takes the place of adult supervision...but certain types of barriers provide layers of protection for a child who strays from supervision. Barriers give parents additional time to locate a child before the unexpected becomes a reality. Automatic Swimming Pool Covers actually seal the pool, not just add a deterrent to go around, they “isolate” the water from the pool deck.

The CPSC and Pool Cover Specialists® both recommend multiple layers of protection for your pool, with an automatic swimming pool cover being at the top of our list as one of the best safety Barriers. We feel that it is very important for you to know that all safety devices are not equal! So, if you are considering one or more of the CPSC's recommended safety options, here are some facts you should know:

ALL Pool Cover Specialists® automatic swimming pool covers, sometimes referred to as “Isolation barriers” provide the best level of protection in that they:

a. isolate the water itself,



b. support the weight of several adults (Pool Cover Specialists® Infinity 4000™ has had over 4200 pounds on a pool cover),





c. can be closed or opened in seconds (when running into the house for a moment or before moving to another part of the yard for continued festivities).

d. In addition, unlike a partially-closed gate, from a considerable distance, it is possible to observe whether or not an automatic cover has been fully extended over a pool. And since an automatic cover isolates (hides) the water from view, the natural attraction that water poses to most children is eliminated.

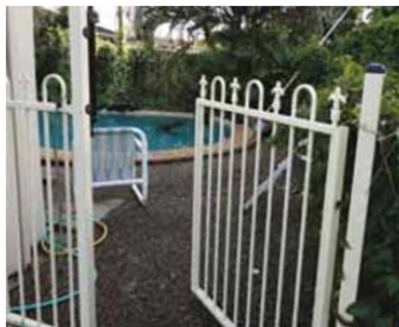


How effective is an automatic swimming pool cover in helping to prevent children from

drowning?

1. To our knowledge, although hundreds of thousands of ASTM certified automatic swimming pool covers have been installed worldwide over the past 60 years...there have only been a handful of accidents, drowning's or near drowning's recorded with an automatic swimming pool cover that is closed and functional. Compare that to ALL other safety devices and you will find there is simply NO comparison!

2. A perimeter safety fence or wall. Fences provide a degree of protection in that they, at least, slow down an inquisitive child who has made up their mind to access the pool by stacking furniture, using a device to "flip" a gate latch, or finding some other creative way to get to a pool. The main issue associated with pool fences is that a fence isolates the "Pool Deck" not the "Pool Water" itself and, from a distance, it may be impossible to tell whether a partially closed gate is actually latched.



In addition, if your house is the fourth side of your pool fence, the fence may not help at all. There have been several studies on Fences and their effectiveness in helping to prevent drowning, in all the studies we found, they show that fences are a good deterrent but if the gate is open, latch is broken, or the child simply climbed over...fences provided little help. Here are several studies: Drowning Interventions, Pool Fencing ... Official Journal of the American Academy of Pediatrics show fences may only give a 19% better rate of protection than not having a fence

3. Door alarms for the house and a sophisticated pool-alarm system. Sophisticated Pool Alarms that utilize infra-red technology and sound a warning when an object disturbs the surface of the water, certainly help, but false alarms are common and drowning statistics reveal a couple of frightening facts:

- a. it only takes seconds for a child to drown and
- b. in the majority of instances, the time in which drowning victims five years of age and under were away from adult supervision was less than five minutes.

Based on all of the above...automatic swimming pool covers are one of the safest items you can add to your swimming pool.

From: Mark T Gierl mgierl@sbcglobal.net
Subject: Fw: pool covers
Date: June 3, 2022 at 7:45 AM
To: brian@wrslegal.net, g mgierl@sbcglobal.net

----- Forwarded Message -----

From: Amber Schroeder <pt.amber@gmail.com>
To: Mark T Gierl <mgierl@sbcglobal.net>
Sent: Thursday, June 2, 2022, 07:21:37 PM CDT
Subject: pool covers

Cottage Grove (dane county) recently amended their ordinance:

ORDINANCE 05-2021 AMENDING CHAPTERS 325 VILLAGE OF COTTAGE GROVE MUNICIPAL CODE The Village Board for the Village of Cottage Grove, Dane County Wisconsin, does hereby ordain as follows: SECTION I. – BACKGROUND RATIONALE The Village of Cottage Grove’s Ordinance Review Committee has reviewed the Village’s ordinances related to swimming pool safety devices in response to a resident inquiry about new safety technology that were not addressed in the current ordinance.

1. As currently written all pool require fences as described by 325-88.
2. The current ordinance does not address automated pool covers that can make a pool inaccessible when not in use.
3. An automated pool cover can help protect children who live on the same property as the pool, who may be able to enter the pool area from the home and already within a fence.
4. The direction from the Ordinance Committee is give the homeowner discretion to determine the best safety device for their needs. SECTION II. – CURRENT AND AMENDED LANGUAGE Section 325-88(J) currently reads: “J. Pool fences. (1) In-ground pools. All outdoor, in-ground swimming pools shall have a fence or other solid structure not less than five feet in height completely enclosing the pool with no opening therein (other than doors or gates) larger than four inches in a horizontal dimension. Fences with horizontal openings larger than four inches will be permitted if the vertical openings in the fence are not greater than one inch and the fence is considered by the Building Inspector to be nonclimbable. All gates or doors opening through the enclosure shall be kept securely closed and locked at all times when the pool is not in actual use. Gates shall be equipped with self-closing hinges and a latch that is intended to discourage unauthorized entry by small children. (2) Aboveground pools. (a) An approved barrier shall consist of a solid wall of durable material of which the pool itself is constructed and shall extend directly above the vertical water-enclosing wall of the pool. Such walls shall extend not less than three feet above the level of the ground immediately adjacent to the pool. Such solid pool wall barrier shall not be located within six feet of any other wall or fence or other structure which can be readily climbed by children. Every entrance to a pool, such as a ladder, must be secured or adequately safeguarded to prevent unauthorized entry into the pool. (b) The pool enclosure may be omitted where portable pools are installed above ground and have a raised deck around the entire pool perimeter with an attached enclosed railing a minimum of 48 inches high on the top.” Section 325-88(J) shall be amended to read as follows: “J. Pool fences. (1) See 325-93.” Section 325-93 shall be created to read as follows: (1) In-ground pools. All outdoor, in-ground swimming pools shall have one or more of the following safety features: (a) Fence or other solid structure not less than five feet in height completely enclosing the pool with no opening therein (other than doors or gates) larger than four inches in a horizontal dimension. Fences with horizontal openings larger than four inches will be permitted if the vertical openings in the fence are not greater than one inch and the fence is considered by the Building Inspector to be non-climbable. All gates or doors opening through the enclosure shall be kept securely closed and locked at all times when the pool is not in actual use. Gates shall be outward opening and equipped with self-closing hinges and a latch placed at least 54” from the bottom of the gate that is intended to discourage unauthorized entry by small children. All fences shall comply with the requirements in Chapter 325-88. (b) Power safety cover and a subsurface disturbance sensor alarm. Pool safety covers shall conform to the specifications in ASTM F 1346-91 that specifies safety performance requirements for pool covers.

Such covers shall be well-maintained, fully operational at all times, and shall be securely fastened in place at all times when the swimming pool is not in actual use for swimming or bathing purposes. Power safety cover control devices shall use a key/code switch and be installed minimum 54" from the ground to be kept out of the reach of small children. The subsurface disturbance sensor alarm shall be kept in working order, equipped with a loud and distinct exterior alarm and a remote alarm feature that will sound inside the residence. Such alarm shall be activated at all times when the swimming pool is not in actual use for swimming or bathing purposes.

From: Mark T Gierl mgierl@sbcglobal.net
Subject: Fw: Great article on changing the by laws
Date: June 3, 2022 at 7:46 AM
To: brian@wrslegal.net, g mgierl@sbcglobal.net

----- Forwarded Message -----

From: Amber Schroeder <pt.amber@gmail.com>
To: Mark T Gierl <mgierl@sbcglobal.net>
Sent: Thursday, June 2, 2022, 07:34:40 PM CDT
Subject: Great article on changing the by laws

This is a long article written to convince a municipality in Australia to adapt new bylaws regarding auto covers-(60 pages) but contains some great information, I included some screen shots from it below:

<https://northsaanich.civicweb.net/document/7674/>

Research has shown that four-sided isolation fencing is far from the cure-all that some have proclaimed. The fence is only as effective as its gate, and gates are too frequently left ajar. The false sense of security that often results with its exclusive use is a dangerous option that we cannot endorse. Therefore, we strongly advocate that four-sided fencing should not be made compulsory. Other equally effective alternatives should be allowed and additionally promoted. The layered approach is clearly the "best practice" approach moving forward.

I would also like to add that there are differing views even with Municipal Staff. One building inspector who works for the Municipality helped draft Langford's bylaw. This gentleman agrees with my position that the perimeter fencing and three sided fencing is ineffective in reducing residential drowning. He also agrees that the pool safety cover should be allowed as an alternative.

Summary

- This issue revolves solely around the need to protect children resident in the home or visiting the home.
- Studies clearly show that perimeter and three-sided fencing is ineffective in reducing residential drownings. Less than three percent of drownings are trespass drownings. Three sided fencing is also ineffective, that is why the CPSC and ASTM insist on pool alarms or pool covers as the effective safety barrier. The BC Coroners report supports the view that three sided fencing is ineffective.
- Studies clearly show that isolation fencing, with self latching gates, are not as effective as once thought due to self latching gates being defective or being left open. It would also require vigorous bylaw enforcement.
- The CPSC and ASTM recommend only three types of barriers isolation fencing, alarms or powered safety covers meeting the ASTM standards. Canada is a member of ASTM, we use the standard extensively. Health Canada has praised CPSC for setting standards for public safety.
- Other Municipalities are accepting pool covers as an alternate to fencing.
- I have clearly shown that the CPSC and ASTM position is that powered safety covers can be used as an alternative to fencing.

- The issue of the cover being left open, and the risk associated, is no different that the self latching gate being left open or not repaired, numerous studies have confirmed this.

Research has shown that four-sided isolation fencing is far from the cure-all that some have proclaimed. The fence is only as effective as its gate, and gates are too frequently left ajar. The false sense of security that often results with its exclusive use is a dangerous option that we cannot endorse. Therefore, we strongly advocate that four-sided fencing should not be made compulsory. Other equally effective alternatives should be allowed and additionally promoted. The layered approach is clearly the “best practice” approach moving forward.

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- I have clearly shown that the CPSC and ASTM position is that powered safety covers can be used as an alternative to fencing.

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Kansas father and son honored for saving 4-year-old boy with autism from drowning

By Paul Best

Published May 30, 2022

Fox News

The City of Lawrence, Kansas, honored a heroic father-and-son duo who saved a 4-year-old boy with autism from drowning in an apartment complex's pool earlier this month.

The little boy, Xavier Rigney, briefly got out of his mother's sight and somehow made his way through a locked fence before jumping into the pool.

"His head goes completely under the water. His mouth and nose never come up above the water, and that's why we say they don't have the ability to scream," Lawrence-Douglas County Fire Medical Lt. Jeff Krall, a paramedic who lost a child of his own in 2008, explained at a press conference. "What you see with his arms, you see just a little bit of movement, we call it climbing, they're trying to climb out of the water."



Tom Westerhouse jumped a 6-foot fence, pulled the 4-year-old boy out of the water, then started performing CPR. (City of Lawrence, Kansas)

Maddox Westerhouse, 12, saw Xavier drowning and ran to get his dad, Tom, from their nearby apartment.

"My friends were yelling at me to go get help and I just went like, 'Oh no,' and ran," Maddox said.

UTAH HIKER RESCUED AFTER SLIPPING ON ICE, 'CLIFFING OUT,': 'LUCKY TO BE ALIVE'

Tom sprang into action, jumping the 6-foot fence then into the pool to pull Xavier out and start performing CPR.

"When he started to cough up water and everything, I knew that was a good sign," Tom said, noting that he took a CPR course over 15 years ago but the training came back to him in the moment. "It definitely hits home a lot harder having a son myself."



next

Image 1 of 2

Tom and Maddox Westerhouse were honored by the City of Lawrence on Thursday. (City of Lawrence, Kansas)



prev

Image 2 of 2

Attachment: Pool Ord E - Kansas father and son honored for saving 4-year-old boy with autism from drowning (ORDINANCE 2022-1618 :

Xavier and his mother thanked first responders and the father-and-son duo who saved the 4-year-old boy. (City of Lawrence, Kansas)

[CLICK HERE TO GET THE FOX NEWS APP](#)

Xavier's mother, Alexis, reunited with Tom and Maddox for the first time on Thursday and thanked them for their heroic actions.

"He's my best friend so I don't know what I would do without him," Alexis said through tears.

Paul Best is a reporter for Fox News Digital. Story tips can be sent to Paul.best@fox.com and on Twitter: [@KincaidBest](https://twitter.com/KincaidBest).

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<https://www.foxnews.com/us/kansas-father-son-honored-saving-4-year-old-boy-autism-drowning>

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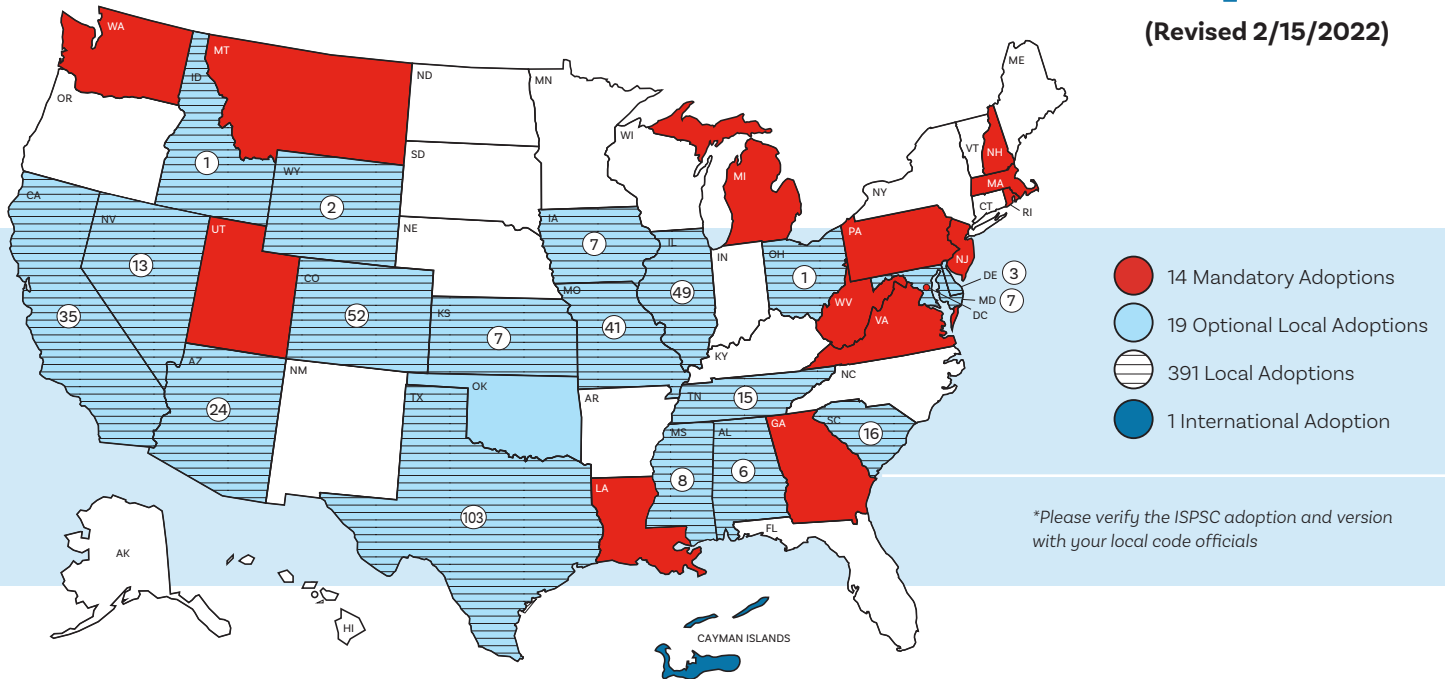
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ISPSC Adoption Status Report*

(Revised 2/15/2022)



14 Mandatory State Adoptions (Statewide)

Georgia ('15) | Louisiana ('15) | Massachusetts ('15) | Michigan ('15) | Montana ('18) | New Hampshire ('15) | New Jersey ('18) | Pennsylvania ('18) | Rhode Island ('18) | Utah ('18) | Virginia ('18) | Washington ('15) | Washington, D.C. ('12) | West Virginia ('15)

19 States with Optional Adoption

Alabama | Arizona | California | Colorado | Delaware | Idaho | Illinois | Iowa | Kansas | Maryland | Mississippi | Missouri | Nevada | Ohio | Oklahoma | South Carolina | Tennessee | Texas | Wyoming

391 Local Adoptions

Alabama

County of Mobile ('18)
Gulf Shores ('18)
Montgomery ('18)
Orange Beach ('18)
Tuscaloosa ('12)
Vestavia Hills ('21)

Arizona

Apache County ('15)
Apache Junction ('18)
Benson ('15)
Camp Verde ('12)
Casa Grande ('18)
Chandler ('18)
Clarkdale ('18)
Florence ('18)
Fountain Hills ('12)
Goodyear ('12)
Marana ('18)
Mesa ('18)
Oro Valley ('18)
Pima County ('18)
Phoenix ('18)
Sahuarita ('12)
San Luis ('18)
Sedona ('18)
Sierra Vista ('12)

Snowflake ('15)
Somerton ('18)
Tempe ('15)
Tucson ('18)
Yavapai County ('12)

California

Alhambra ('18)
Asuza ('18)
Atascadero ('18)
Brea ('15)
Cathedral City ('18)
Cotati ('15)
El Segundo ('18)
Fremont ('18)
Garden Grove ('18)
Grass Valley ('15)
Hanford City ('15)
Huntington Park ('12)
Laguna Niguel ('18)
La Palma ('18)
Los Alamitos ('12)
Milpitas ('18)
Mission Viejo ('18)
Monterey Park ('15)
Nevada City ('15)
Nevada County ('12)
Newport Beach ('18)

Palo Alto ('15)
Pleasanton ('18)
Rancho Cordova ('18)
Rancho Cucamonga ('18)
Rancho Santa Margarita ('18)
Sacramento County ('15)
San Bernardino County ('18)
San Luis Obispo County ('18)
San Manuel Indian Reservation (in San Bernardino County) ('12)
Seal Beach ('18)
Sebastopol ('15)
Temple City ('18)
Ventura County ('18)
Whittier ('15)

Colorado

Adams County ('18)
Arapahoe County ('15)
Archuleta County ('18)
Arvada ('18)

Aspen ('15)
Berthoud ('18)
Black Hawk ('15)
Blue River ('12)
Boulder ('12)
Boulder County ('15)
Broomfield ('18)
Buena Vista ('15)
Castle Pines ('15)
Castle Rock ('12)
Centennial ('15)
Chaffee County ('15)
Commerce ('18)
Dacono ('18)
Delta County ('18)
Denver ('18)
Denver County ('15)
Douglas County ('18)
Eagle County ('15)
Erie ('15)
Evans ('18)
Federal Heights ('15)
Fort Collins ('18)
Fort Lupton ('18)
Frisco ('18)
Garfield County ('15)
Greenwood Village ('12)
Hudson ('18)

Johnstown ('18)
Longmont ('18)
Lyon County ('15)
Pagosa Springs ('15)
Parker ('15)
Pitkin County ('15)
Pueblo ('15)
Salida ('15)
Severance ('18)
Sheridan ('15)
Silverthorne ('18)
Summit County ('18)
Thornton ('15)
Timnath ('18)
Town of Buena Vista ('15)
Wellington ('18)
Westminster ('15)
Wheat Ridge ('18)
Windsor ('18)
Yuma ('15)

Delaware

Middletown ('18)
New Castle County ('15)
Rehoboth Beach ('18)

Idaho

Lewiston ('15)

(*): indicates update to ISPSC year

Illinois

Addison ('12)
Arlington Heights ('18)
Bartlett ('12)
Bloomingdale ('18)
Buffalo Grove ('18)
Champaign ('15)
Darien City ('15)
DeKalb ('15)
DuPage County ('15)
Elk Grove Village ('18)
Elmhurst ('12)
Elwood ('18)
Evanston ('12)
Geneva ('15)
Hainesville ('12)
Hanover Park ('12)
Highland Park ('18)
Hoffman Estates ('15)
Inverness ('15)
Kankakee ('18)
Lake Bluff ('12)
Lake County ('12)
Libertyville ('18)
Lincoln ('12)
Lincolnshire ('18)
Lisle ('15)
Long Grove ('12)
Loves Park ('15)
Milan ('12)
Mount Prospect ('15)
Naperville ('18)
Northbrook ('12)
Palatine ('15)
Pecatonica ('12)
Saint Clair County ('12)
Shorewood ('18)
St. Charles ('15)
Streamwood ('12)
Sycamore ('15)
Tinley Park ('12)
Tuscola ('15)
Warrenville ('15)
Westchester ('12)
Westmont ('12)
Wheeling ('18)
Willowbrook ('18)
Winfield ('15)
Winnetka ('15)
Yorkville ('18)

Iowa

Ankeny ('18)
Cedar Rapids ('18)
Coralville ('18)
Des Moines ('18)*
Johnston ('15)
Ottumwa ('15)
Sioux Center ('15)

Kansas

DeSoto ('18)
Gardner ('12)
Lawrence ('15)
Lenexa ('18)
Manhattan ('15)
Olathe ('12)
Wichita ('12)

Maryland

Annapolis ('15)
Anne Arundel County ('12)
Baltimore City ('18)
Cecil County ('18)
Gaithersburg ('18)
Montgomery County ('15)
Wicomico County ('15)

Mississippi

Biloxi ('18)
Diamondhead ('12)
D'Iberville ('18)
Federal Heights ('12)
Garfield County ('12)
Gulfport ('18)
Pearl River Valley Water Supply District ('15)
Senatobia ('18)

Missouri

Branson ('18)
Cape Girardeau ('15)
Chesterfield ('18)
Clayton ('15)
Creve Coeur ('15)
Eureka ('18)
Excelsior Springs ('12)
Farmington ('15)
Frontenac ('15)
Gladstone ('15)
Higginsville ('15)
Hollister ('18)
Jackson ('15)
Jefferson ('15)
Jefferson County ('15)
Kearney ('12)
Kirkwood ('15)
Joplin ('18)
Ladue ('15)
Lake St. Louis ('15)
Liberty ('12)
Missouri City ('15)
North Kansas City ('12)
O'Fallon ('15)
Parkville ('18)
Platte City ('18)
Raymore ('18)
Richmond Heights ('18)

Rolla ('18)
Sedalia ('15)
Sikeston ('12)
Springfield ('18)
St. Charles ('15)
St. Charles County ('15)
St. Louis ('18)
St. Louis County ('18)
St. Peters ('15)
Troy ('15)
University City ('12)
Webster Groves ('15)
Wright City ('15)

Nevada

Boulder City ('12)
Carson City ('18)
Clark County ('18)
Fernley ('18)
Henderson ('12)
Humboldt County ('18*)
Las Vegas ('18)
North Las Vegas ('18)
Sparks ('18)
Storey County ('18)
Washoe County ('12)
West Wendover ('12)
Winnemucca ('12)

Ohio

Grove City ('18)

South Carolina

Aiken ('18)
Charleston ('18)
Clemson ('18)
Edisto Beach ('15)
Fort Mill ('18)
Georgetown County ('12)
Goose Creek ('18)
Greenville County ('15)
Lancaster County ('18)
Moncks Corner ('18)
Myrtle Beach ('15)
Oconee County ('15)
Seneca ('18)
Summerville ('18)
Surfside Beach ('18)
Westminster ('12)

Tennessee

Alcoa ('18)
Brentwood ('12)
Farragut ('18)
Gallatin ('15)
Hendersonville ('18)
Knox County ('18)
Lincoln County ('18)
Mount Juliet ('12)

Murfreesboro ('18)
Piperton ('18)
Roane County ('12)
Rossville ('18)
Rutherford County ('18)
Smyrna ('18)
White House ('12)

Texas

Addison ('18)
Alvin ('18)
Amarillo ('15)
Andrews ('15)
Angleton ('12)
Arlington ('18)
Austin ('18)
Bangs ('18)
Bastrop ('18)
Bedford ('18)
Bellaire ('18)
Bells ('15)
Belton ('15)
Benbrook ('18)
Brenham ('15)
Bunker Hill ('18)
Canton ('15)
Canyon ('15)
Carrollton ('18)
Cedar Park ('15)
Celina ('18)
Cibola ('12)
Cleveland ('15)
Clute ('15)
Corinth ('18)
Corpus Christi ('18)
Del Rio ('15)
DeSoto ('18)
Euless ('15)
Ferris ('15)
Freeport ('15)
Frisco ('18)
Ft. Worth ('18)
Fulshear ('15)
Galveston ('12)
Grand Prairie ('15)
Groesbeck ('18)
Gun Barrel City ('15)
Haslet ('15)
Helotes ('18)
Huntsville ('15)
Hurst ('15)
Jersey Village ('18)
Katy ('15)
Kerrville ('18)
Kilgore ('12)
Killeen ('15)
Kyle ('15)
La Grange ('18)
La Porte ('18)
LaMarque ('18)

Lancaster ('15)
Live Oak ('18)
Lucas ('15)
Mansfield ('18)
Manvel ('12)
McAllen ('12)
McKinney ('18)
Meadows Place ('12)
Missouri City ('15)
Mont Belvieu ('15)
Montgomery ('15)
New Braunfels ('18)
Nolanville ('15)
North Richland Hills ('18)
Oak Leaf ('12)
Palacios ('12)
Pattison ('18)
Pearland ('18)
Pecos ('15)
Pharr ('12)
Plainview ('15)
Plano ('18)
Pleasanton ('15)
Portland ('15)
Princeton ('15)
Prosper ('21)
Red Oak ('12)
Richmond ('15)
Roanoke ('18)
Rosenberg ('18)
Round Rock ('15)
Saginaw ('18)
San Antonio ('18)
San Saba ('15)
Santa Fe ('12)
Schertz ('12)
Seagoville ('18)
Seguin ('15)
Shoreacres ('15)
South Lake ('18)
Southside Place ('18)
Spring Valley ('18)
Taylor Lake Village ('18)
Tool ('15)
Universal City ('15)
Uvalde ('15)
Waco ('15)
Watauga ('18)
Webster ('15)
West University Place ('12)
Wharton ('12)
Wylie ('12)

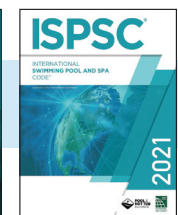
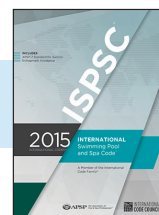
Wyoming

Rawlins ('15)
Thermopolis ('18)

Cayman Islands ('15)

(*): indicates update to ISPSC year

<https://www.phta.org/standards-and-codes/ispsc/>





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Mequon, WI 53092
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Fax: 262-242-9655

www.ci.mequon.wi.us

Office of the City Administrator

PUBLIC WELFARE COMMITTEE

Tuesday, April 12, 2022

5:00 PM

Lower Conference Room

Minutes

1) Call to Order, Roll Call

Present:

Chair Mark Gierl
Alderman Glenn Bushee
Alderman Kathleen Schneider

Also Present: Assistant City Administrator Schoenemann, City Attorney Sajdak, Inspections Supervisor Hadley, Deputy Fire Chief Zellmann, and Executive Assistant Enea.

2) Approval of Meeting Minutes

a. March Meeting Minutes

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

MOVED BY: Alderman Bushee

SECONDED BY: Alderman Gierl

AYES: Gierl, Bushee

NOT PRESENT: Schneider

3) Ordinances

Action requested: review and recommend approval

a. **ORDINANCE 2022-1618** An Ordinance Creating Section 10-26 of the Mequon Municipal Code, Related to Residential Swimming Pools

City Attorney Sajdak presented the modified version of the ordinance based on the comments received from the Common Council Meeting. Some definitions were added in regards to the power safety cover, such as the static load being 485 lbs - enough to hold 2 firemen and their supplies. Also, the operating switch needed to be locked and located 5 feet above ground. In addition, a permit would be required. The age of a chaperone would be 14 years of age, the age one can be a lifeguard. Alderman Bushee shared how 14 states and 19 localities in additional states have adapted new laws to allow pool covers instead of fences. Alderwoman Schneider inquired about existing pool owners needing to know that a second safety feature

is now required for pools. The new ordinance will only apply to new pools, but the Committee agreed that would be beneficial to share in the Weekly Bulletin.

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

MOVED BY: Alderman Bushee

SECONDED BY: Alderman Gierl

AYES: Gierl, Bushee, Schneider

b. **ORDINANCE 2022-1619** An Ordinance Amending Chapter 30, Article V of the Mequon Municipal Code Related to Outdoor Burning

Deputy Fire Chief Zellmann presented the changes that were made to the Ordinance. What a structure was, i.e. deck, was included. Also, 4a was added to discuss manufacturer guidelines and what to do in the absence of guidelines. Alderman Bushee inquired if the nuisance language could be eliminated. Deputy Chief Zellmann explained when the nuisance delegation comes to play and City Attorney Sajdak shared how using that language gives the Ordinance more teeth when it comes to enforcement. If something amounts to a private nuisance, then the City would not get involved.

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

MOVED BY: Alderman Bushee

SECONDED BY: Alderman Schneider

AYES: Gierl, Bushee, Schneider

4) Work Calendar

a. Work Calendar

5) Adjourn

Alderman Bushee moved to adjourn at 5:29 P.M. and Alderwoman Schneider seconded.

Respectfully Submitted,

Carrie Enea
Executive Assistant

Wisconsin Uniform Building Code

Exhibit 1

CHAPTER V. "SWIMMING POOL/SPA REQUIREMENTS

SECTION 30.40 - GENERAL REQUIREMENTS

- (1.) Type of Pools Requiring Permits
 - (a.) Above ground pools (except wading pools having a depth of less than two (2) feet and which are readily movable).
 - (b.) Temporary or permanent air inflatable pools with a sidewall height greater than two (2) feet above grade.
 - (c.) In-ground Pools.
 - (d.) Public Pools -- All public pools constructed shall be built and maintained in accordance with the rules of the SPS 390.
 - (e.) Spas (outdoor).
- (2.) General Pool Regulations
 - (a.) Location
 1. No person, firm or corporation shall have a swimming pool or spa located in the front yard or side yard setback unless specifically allowed in the local zoning code.
 2. Side and rear yard setbacks shall be a minimum of ten (10) feet from the property line or as regulated by the local zoning code.
 3. Swimming pools shall not be located closer than four (4) feet to any wall, fence, or structure.
 4. Swimming pools shall be located from well and septic systems in accordance with the Wisconsin State Plumbing Code, Chapter 'SPS 383.
 - (b.) Access
 1. A fence or other solid structure of not less than forty-two (42) inches in height shall completely enclose said premises and/or swimming pool. There shall be no opening in said fence or wall larger than six (6) inches square. All gates or doors opening through such enclosure shall be kept securely closed at all times while unattended and shall be equipped with a self-closing and self-latching device designed capable of keeping such door or gate securely closed. Latches shall be located at least three (3) feet above the ground, accessible deck, or stairs.
 2. A fence is not required around an above ground pool where the pool wall is at least forty-two (42) inches above grade for the full pool perimeter. The finished grade shall be maintained for a minimum of four (4) feet beyond the outside perimeter of the pool.

3. When not completely fenced, all ladders, steps, pool pump/filter equipment or other means of access to an above ground pool shall be removed and/or designed to prevent access when the pool is unattended.
4. Spas shall be made inaccessible by a locking safety cover or other approved safety barrier when not in use.
- (c.) 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.
- (d.) Drainage -- In no case shall any swimming pool be drained onto lands of property owners other than the owner of the swimming pool. Drainage from said lot shall be in accordance with any local zoning ordinance.
- (e.) Lighting -- Lights shall be erected so as to eliminate direct rays and minimize reflected rays of light onto adjoining properties and roadways. Lighting installation shall be done in accordance with the State of Wisconsin Electrical Code.
- (f.) Electrical -- All wiring for pools and spas shall be done in accordance with the Wisconsin Electrical Code and/or local code.
- (g.) Pools and spas shall be separated from overhead and underground electrical wiring shall be in accordance with the State of Wisconsin Electrical code and/or local code.
- (3.) Application for Permit. The following information is 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.
 1. Type of pool installation, above ground or in-ground.
 2. Pool height above highest point of grade if above ground installations.
 3. Type and height of fence, if proposed.
 4. Type and support of decking, if proposed.
 5. Overall size and locations of the above in regard to existing buildings and lot lines for property survey reference.
 6. Any change in finished grade near pool.
 7. County Health Department approval for properties using a private septic system, where applicable.
 8. Site inspection letter from a local wiring utility.
 - (b.) Two (2) copies of brochure which shows the type, style, etc. of the pool or spa to be installed.

Mike Hadley

From: Becky Stein <speech927@yahoo.com>
Sent: Tuesday, November 2, 2021 11:15 AM
To: Mike Hadley
Subject: Pool Fencing

Hi Mike,

I reached out to you this morning as a very concerned parent and resident of Mequon. A group of neighborhood parents were together over the weekend, questioning why someone did not have fencing up around her pool in the Highlander Estates neighborhood (Wildcat Way). This is a very busy neighborhood, especially around that house. Our neighborhood park is nearby so many children are around. My own children are not independent swimmers yet. The mere thought of them or any of these other children easily wandering into someone's pool area is beyond frightening. An automatic pool cover does not ease my fears in the slightest. That is counting on the homeowner to utilize it properly every single time. I do not count on this. Not even a little bit. All it takes is ONE child to become a victim of this selfishness and absurdity before maybe the homeowner wishes they had put up a fence. Please don't let anyone's child become that victim. Please continue to require lawful, proper, permanent fencing around pools in the Highlander Estates and surrounding neighborhoods.

Thank you,

Becky Stein

Mike Hadley

From: Mark Mittenthal <mmittenthal@wi.rr.com>
Sent: Tuesday, November 2, 2021 12:29 PM
To: Mike Hadley
Subject: Mequon swimming pools

My young grandchildren live in the Highlander Subdivision. I have been advised that a resident has installed an in ground swimming pool but does not want to surround the pool with a fence. I always thought it was a law to erect a fence for the safety of the neighborhood.

Thank you for listening to my concerns.

Mark Mittenthal
(414) 218-1469

Sent from my iPhone

We make it strong. We make it easy.™
COVERSTAR®

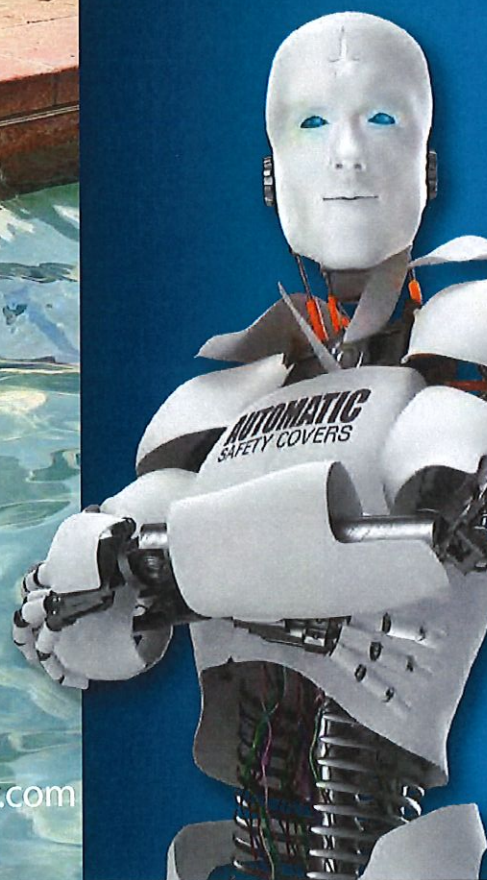
Automatic Safety Swimming Pool Covers



LATHAM®
 behind every pool

coverstar.com

*Everyday
 protection for
 your family...
 at the touch
 of a button!*





The automatic choice for safety, savings and convenience!

A backyard swimming pool is the ultimate source of family fun! But when it comes to children and pets, it is also the source of safety concerns. No parent can be watching over the pool every minute. No fence or alarm can prevent a child from getting access to an unsupervised pool. A Coverstar automatic safety pool cover can!

Strong protection – at the touch of a button!

Simply flip a switch, and your Coverstar automatic safety cover will create a barrier over your pool that no child or pet can penetrate. Custom-built to fit your pool perfectly and manufactured from best-in-class materials, Coverstar is the best protection available for your family and your pool investment!

Save on heat, water, electricity, and chemicals.

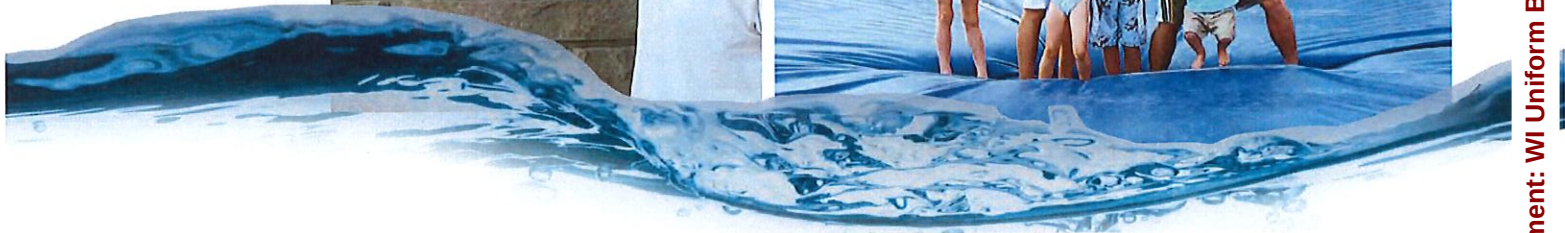
A Coverstar cover acts as a passive solar heater, increasing the temperature of your water by eight to 10 degrees. It also reduces evaporation of water as well as consumption of chemicals.

Less time cleaning...more time enjoying!

A Coverstar cover keeps dirt and debris out of your pool. Time spent cleaning out dirt and leaves and putting in new chemicals is almost eliminated!



The weather-proof toggle switch opens or closes your pool in less than a minute. And it locks for secure access!





**Coverstar delivers
big savings . . .
automatically!**

90% reduction
in evaporation

70% reduction
in pool heating costs

50% reduction
in electricity costs

70% reduction
in chemical use

An optional keypad control
with programmable security
code is also available.



We make it strong. We make it easy.™
COVERSTAR®

The strongest name in
automatic safety pool covers.



The stronger the cover, the safer the cover. No company builds in more exclusive design and manufacturing features to ensure the strength and performance of its automatic covers than Coverstar!

Heat-sealed webbing for double the strength!

Most automatic cover manufacturers sew webbing material wrapped around rope to the cover. With this method, the webbing often fails before the fabric does. Coverstar uses

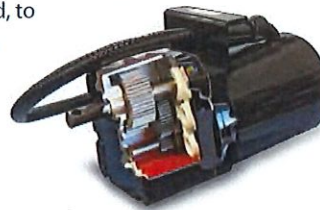
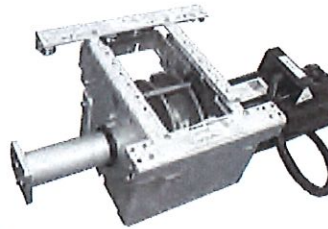
an exclusive, patented process to heat seal webbing around a polymer bead and weld it to the cover in one step. *Independent lab tests show Coverstar's webbing is over twice as strong as competitive webbing sewn to a cover!*



Mechanism engineered for unmatched reliability.

Our unique mechanism is engineered with heavy-duty components and with ropes and pulleys that are stronger than any others used in the industry. The extreme precision of the machined and laser-cut parts allows for smooth operation and many, many years of hassle-free use.

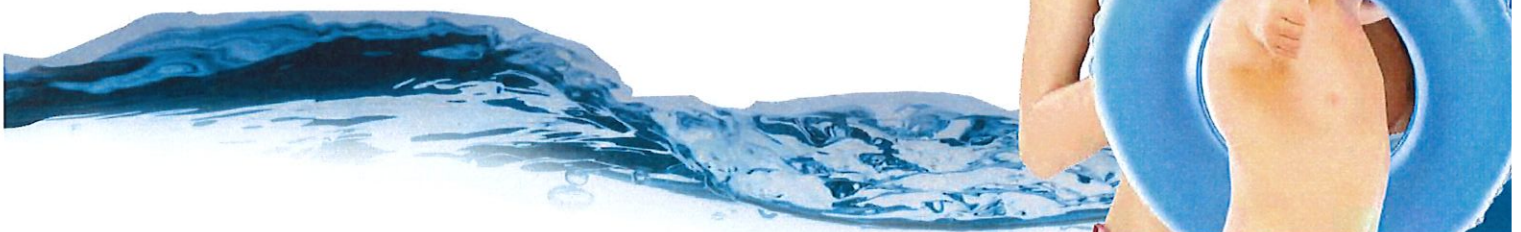
- **Coverstar motors** are completely sealed, using a proprietary method, to prevent water damage. Other less reliable means of water protection could mean an expensive motor repair.
- **PowerFlex™ Ropes** act like a shock absorber and self-adjust during operation for more reliable performance. And they're the only ropes that come with a two-year no-break guarantee!
- **Incredibly strong and durable fabric** – advanced vinyl formulation and superior fabrication methods make it top of the line.
- **Mechanical torque limiter** is adjustable to protect the motorized mechanism from too much stress.
- **Custom designed rope pulleys** provide maximum reliability in the pool environment.



Quality you can rely on!

**BUILT
COVERSTAR
STRONG**

Coverstar automatic safety covers are independently certified by the Underwriters Laboratories to exceed the powered safety cover requirements set by the American Society of Testing and Materials (ASTM F1346-91), and are UL listed to meet all electrical and safety standards.



Automatic safety cover options for every need and every pool!

Coverstar automatic safety covers can be applied to a broad range of pool designs and types. Options include:

Choice of eleven standard fabric colors: Many other custom colors and fabric weights available.



Guide Options

Underguide systems are embedded in the pool wall or mounted to the bottom side of rectangular pools' coping, allowing guides to remain virtually unnoticed. For a more integrated look, guides can be built directly into the pool wall using guide encapsulation.

Topguide systems can be used with most freeform pools. The cover's drive system is installed under an aluminum lid or mounted to the surface of the deck.

Recessed guide systems feature aluminum guides that are recessed in the pool deck during the construction of the pool. The recessed guide is flush with the top of the deck.



Lid Options

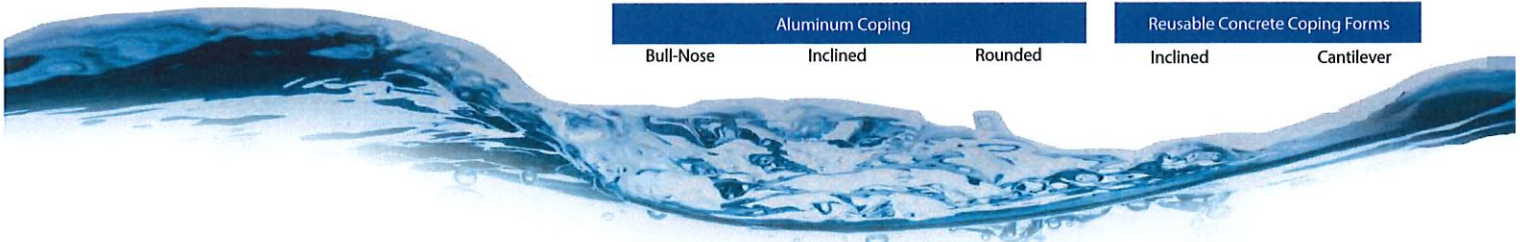
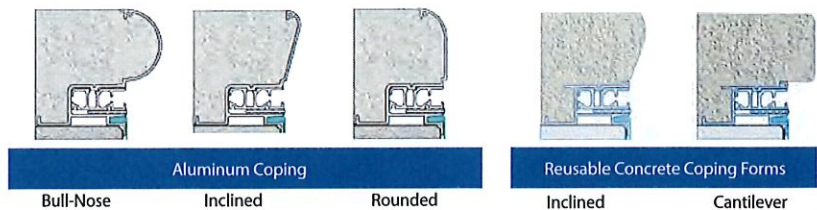
Classic Aluminum Lid, Flat Lid, Flush Deck Lid, and Walk-On Lid

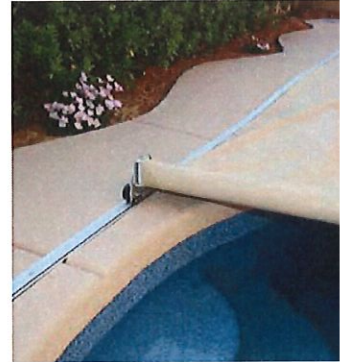


Coping Options

Aluminum: Bull-Nose, Inclined, and Rounded

Concrete (also compatible for gunite and fiberglass pools): Inclined and Cantilever





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L9967.15 1/15 cf



Standard Performance Specification for Safety Covers and Labeling Requirements for All Covers for Swimming Pools, Spas and Hot Tubs¹

This standard is issued under the fixed designation F1346; the number immediately following the designation indicates the year of original adoption or, in the case of revision, the year of last revision. A number in parentheses indicates the year of last reapproval. A superscript epsilon (ϵ) indicates an editorial change since the last revision or reapproval.

1. Scope

1.1 This specification establishes requirements for safety covers for swimming pools, spas, hot tubs, and wading pools (hereinafter referred to as pools, unless otherwise specified). When correctly installed and used in accordance with the manufacturer's instructions, this specification is intended to reduce the risk of drowning by inhibiting the access of children under five years of age to the water.

1.2 This specification includes performance tests to demonstrate the compliance or noncompliance to requirements herein stated for safety covers. It also includes marking requirements for all covers.

1.3 The values stated in inch-pound units are to be regarded as the standard. The values in parentheses are given for information only.

1.4 The following safety hazards caveat pertains only to the test methods section, Section 9, of this specification: *This standard does not purport to address all of the safety concerns, if any, associated with its use. It is the responsibility of the user of this standard to establish appropriate safety and health practices and determine the applicability of regulatory limitations prior to use.*

2. Referenced Documents

- 2.1 *NFPA Document:*
National Electrical Code, Article 680-26²

3. Terminology

3.1 Definitions of Terms Specific to This Standard:

3.1.1 *appurtenances*—subordinate parts or adjunct accessory components to the cover such as hardware including buckles, straps, ties, springs, anchors, tracks, rollers, lifting arms, and the like.

3.1.2 *automatic cover*—a cover which can be placed over the water area and removed with a motorized mechanism actuated by a suitable control mechanism. See also *power safety cover (PSC)*, *other cover (OC)*.

3.1.3 *barrier*—something that restrains or obstructs access to the body of water.

3.1.4 *blanket*—a material used for thermal insulation. See also *solar energy blanket*.

3.1.5 *cover*—something that covers, protects or shelters, or a combination thereof, a swimming pool, spa, or hot tub.

3.1.6 *debris cover*—a cover with attendant appurtenances positioned over the pool area which permits the cover to prevent debris, such as foliage, dirt, windblown trash, and the like from entering the pool. It is intended to be completely removed before the entry of bathers. See also *other covers (OC)*.

3.1.7 *decks*—those areas abutting a pool, spa, or hot tub that are specifically constructed or installed (for example, of wood, concrete, brick, stone, and the like) for use by bathers for sitting, standing or walking and may also act as a base for supports for covers.

3.1.8 *dome*—a semipermanent enclosure supported by trusses, or positive air pressure erected over the pool area to provide temperature and atmospheric control over the pool environment.

3.1.9 *energy conservation*—the reduction of heat loss from pool water through air convection or evaporative cooling, or both.

3.1.10 *hot tub*—a spa constructed of wood with sides and bottoms formed separately; and the whole shape joined together by pressure from surrounding hoops, bands or rods; as distinct from spa units formed of plastic, concrete, metal, or other materials.

3.1.11 *inaccessible locations*—a location at least 5 ft (1.5 m) above the ground with no other access such as hand or footholds which would permit a child to reach the location.

3.1.12 *manual cover*—a cover which requires it to be placed over the water area by hand. See also *manual safety cover (MSC)*, and *other covers (OC)*.

¹ This specification is under the jurisdiction of ASTM Committee F15 on Consumer Products and is the direct responsibility of Subcommittee F15.28 on Covers for Pools, Spas and Hot Tubs.

Current edition approved Sept. 1, 2010. Published December 2010. Originally approved in 1991. Last previous edition approved in 2003 as F1346 – 91 (Reapproved 2003). DOI: 10.1520/F1346-91R10.

² Available from National Fire Protection Assoc., Batterymarch Park, Quincy, MA 02269.



3.1.13 *markings*—the application of numbers, letters, labels, tags, symbols or colors to provide identification and safety information and to expedite handling during shipment and storage.

3.1.14 *manual safety cover (MSC)*—a barrier which requires it to be placed over the water manually. Provides a high level of safety for children under the age of five by inhibiting their access to the water.

3.1.15 *other covers (OC)*—includes any cover type not incorporated in the other two classifications; PSC, MSC. They are not intended to serve as a barrier for children under the age of five.

3.1.16 *power safety cover (PSC)*—a barrier which can be placed over the water area and removed with a motorized mechanism actuated by a suitable control mechanism. Provides a high level of safety for children under the age of five by inhibiting their access to the water.

3.1.17 *safety cover*—a barrier (intended to be completely removed before entry of bathers), for swimming pools, spas, hot tubs or wading pools, attendant appurtenances and/or anchoring mechanisms which reduces—when properly labeled, installed, used and maintained in accordance with the manufacturers' published instructions—the risk of drowning of children under five years of age, by inhibiting their access to the contained body of water, and by providing for the removal of any substantially hazardous level of collected surface water. See also *power safety cover (PSC)*, and *manual safety cover (MSC)*.

3.1.18 *solar energy blankets*—a cover which is a floating translucent (not transparent) heat insulating sheet incorporating, for example, encapsulated air bubbles or similar low heat transfer (floating) sheet material whose purpose is to inhibit heat dissipation from the pool water surface through air convection or evaporative cooling. The sheet material, customarily translucent (not transparent) to permit the transfer of solar radiation energy directly to the pool water at all depths and intended for day and night use, is cut to the shape of the pool and is not affixed to the pool structure. It is intended to be completely removed before the entry of bathers.

3.1.19 *energy conservation blanket*—a cover which is a floating heat insulating sheet material incorporating, for example, a cellular foam or similar low-heat transfer material whose purpose is to inhibit heat loss from the covered water, through air convection or evaporative cooling, or both. Such materials are customarily cut to the shape of the pool and are intended for a night covering. The blanket is not affixed to the pool structure. It is intended to be completely removed before the entry of bathers.

3.1.20 *wading pool*—a shallow pool intended for wading, not swimming.

3.1.21 *waterline*—the waterline shall be defined in one of the following ways:

3.1.22 *skimmer system*—the water line shall be at the mid-point of the operating range of the skimmers.

3.1.23 *overflow system*—the waterline shall be at the top of the overflow outlet.

4. Cover Classifications and Minimum Qualification Criteria

4.1 *Power Safety Cover (PSC)*—Provides a high level of safety for children under the age of five by inhibiting their access to the water.

4.1.1 Must satisfy 5.1-5.3, 6.1-6.5, 7.1-7.4, 8.1, 8.2, 8.4-8.12, 9.1-9.4, 10.1-10.4, and all subsections.

4.2 *Manual Safety Cover (MSC)*—Provides a high level of safety for children under the age of five by inhibiting their access to the water. May require a longer period of time to be fully secured.

4.2.1 Must satisfy 5.1-5.3, 6.1-6.5, 7.1-7.4, 8.1, 8.2, 8.4-8.12, 9.1-9.4, and all subsections.

4.3 *Other Covers (OC)*—Includes any cover type not incorporated in the other two categories MSC, PSC. They are not intended to serve as a barrier for children under the age of five. Design characteristics may be hazardous when used in the presence of children under the age of five.

4.3.1 Shall satisfy 5.1-5.3, 8.1-8.3, 8.5-8.12, and all subsections.

5. Materials and Manufacture

5.1 Only materials not known to be harmful to health, within the intended application, shall be used.

5.2 All materials and components shall be durable and satisfactory for the intended purpose under the conditions normally prevailing at the site.

5.3 The cover shall be manufactured or fabricated, or both, in accordance with generally accepted, good manufacturing practices.

6. General Requirements for Safety Covers

6.1 *Installation/Use of safety covers*—Unless installed by the manufacturer, or responsible parties, or both, detailed instructions for installation shall be given in a form included in the packaging or a label, or both, attached to the cover.

6.2 Labels attached to the cover shall meet the general requirements described in 8.5.1 and 8.8-8.8.2.

6.3 *Markings for safety covers shall include:*

6.3.1 the manufacturer's name,

6.3.2 date manufactured or installed, and

6.3.3 instructions to consumers to inspect the cover for premature wear or deterioration.

6.3.4 Labels attached to covers shall meet the general requirements described in 8.4.1, 8.7-8.8.1, and 8.9.

6.4 *Fastening mechanisms or devices*—Ties, attachment points, anchors, anchorage, and controls for automatic covers or other means of fastening a cover shall include provisions such as keys, combination locks, special tools, devices, or inaccessible locations, and the like, to inhibit children under five years of age from removing or operating the cover. When subjected to the load and perimeter deflection tests described in 9.1 and 9.2, all fastening devices shall remain in their intended, secured or closed, or both, position. After the test, the intended performance of the device should not be impaired.

6.5 *Openings*—The cover shall be designed in such a way that, when it is tested by the test method described in 9.4, any opening in the major component or between the edge of the cover and the deck surface or coping wall, or both, and the top surface of the spa or pool does not allow the test object to pass through. The test object shall not gain access to the water, or be subject to entrapment.

6.6 Seams, ties or welds in the cover shall show no signs of damage, which will impair intended performance of the device when the cover is tested by the methods described in 9.1-9.4.

7. Performance Requirements for Safety Covers

7.1 *Static Load*—In the case of a pool with a width or diameter greater than 8 ft (2.4 m) from the periphery, the cover shall be able to hold a weight of 485 lb (220.0 kg) (2 adults and 1 child) to permit a rescue operation.

7.1.1 In the case of a pool with a width or diameter not greater than 8 ft (2.4 m) the cover shall withstand the weight of 275 lb (125 kg) (weight of a child and an adult). Compliance shall be determined by the test method described in 9.1.

7.2 *Perimeter Deflection*—The cover shall be designed in such a way that, when it is tested by the test method described in 9.2, deflection of the cover does not allow the test object to pass between the cover and the side of the pool, or to gain access to the water.

7.3 *Surface Drainage*—The cover shall be so constructed, or incorporate a system, or have an auxiliary system provided, that when used in accordance with the manufacturer's instructions, shall drain substantially all standing water from the cover within a period of 30 min after cessation of normal rainfall. Compliance shall be determined by the test in 9.3.

7.4 *Opening Tests*—The tests shall be conducted by the test method described in 9.4 to demonstrate that any opening in the major component or between the edge of the cover and the deck surface or coping wall, or both, and the top surface of the pool or the top surface of the spa is sufficiently small and strong to prevent the opening from being forced to a size that will allow the test object to pass through.

8. Minimum Label Requirements for All Covers for Swimming Pools, Spas, and Hot Tubs

8.1 *Product Label*—All covers shall be labeled/marked to identify manufacturers or other responsible parties (such as private label distributors), or both. Labels attached to covers shall meet the general requirements described in 8.5.1 and 8.8-8.8.2.

8.2 *Warning Labels*—All covers shall be required to have attached the following warning label:

8.2.1 *Signal Word*—**WARNING.**

8.2.2 *Safety Alert Symbol*—Preceding the signal word there shall be triangle with an exclamation point inside the triangle.

8.2.2.1 *Word Message*—The standard word message shall be **AVOID DROWNING RISK** which shall be the first message to appear directly under the signal word.

8.2.2.2 *Additional Word Message Statement*—Covers with any of the outlined hazards in Fig. 1 shall list all applicable warning statements on the label.

8.3 *Color*—Non-safety cover warning label.

8.3.1 *Signal Word*—Black letters with orange background.

8.3.2 *Safety Alert Symbol*—Black triangle with orange exclamation point.

8.3.3 *Word Message*—Black lettering on white background or white letters on black background.

8.4 *Color*—Safety cover warning label.

8.4.1 Colors assigned to the signal word panel may also be used for the message word panel provided the panel colors contrast with the lettering of the label. This is applicable to covers conforming with the PSC and MSC classifications only.

8.5 *Warning Label*—Letter size.

8.5.1 Lettering shall be of a size that enables a person with normal vision, including corrected vision, to read the safety sign or label at a safe viewing distance from the hazard. Considerations should be given to environmental variables that will affect readability.

8.5.2 *Signal Word*—Letter height shall be at least 50 % greater than the selected height of the message panel wording.

"HAZARD/WARNING STATEMENT CHART"

If This Hazard Exists:

*Will not support weight (as defined in this specification) Nonsecured or improperly secured covers

*Concealment by slipping under cover

*Drowning on top of cover in accumulated surface water (as defined in this specification)

*Concealment, Entrapment—Drowning under cover

*General requirement for all covers

*Option to above for Safety Covers

*Cover does not meet all requirements of this specification for PSC, MSC.

Add This Warning Statement:

*Stay off cover—will not support weight.

*Keep children away. Children or objects cannot be seen under cover.

*Remove Standing Water—child can drown on top of cover.

*Remove cover(s) completely before entry of bathers—entrapment possible.

*Non-secured or improperly secured covers are a hazard.

*Failure to follow all instructions may result in injury or drowning.

*This is not a Safety Cover.

FIG. 1 Hazard/Warning Statement Chart

8.5.3 Safety Alert Symbol—Safety alert symbol, when used with the signal word shall precede the signal word. The base of the safety alert symbol shall be on the same horizontal line as the base of the letters of the signal word. The height of the safety alert symbol shall equal or exceed the signal word letter height.

8.5.4 Word message letter height shall be as defined in **Table 1**.

8.6 Letter style:

8.6.1 Signal Word shall be in sans serif letters in upper case only.

8.6.2 Message Panel shall be in sans serif letters. Letters may be in upper case only.

8.6.3 Examples of acceptable lettering styles are: medium or bold helvetica, or news gothic bold.

8.7 Placement—Location shall be such that the message will:

8.7.1 Be readily visible to the intended viewer, taking into consideration all possible viewing angles, and

8.7.2 Alert the viewer to the potential hazard in time to take appropriate action.

8.7.3 Label must be located so as not to be removed in the fitting process.

8.8 Life Expectancy—The label shall have a reasonable expected life with good color stability and word message legibility when viewed as stated in **8.5.1**. Reasonable expectancy shall be taken into consideration in accordance with the expected life of the product.

8.8.1 Protection—When possible, placement of label should provide protection from foreseeable damage, fading, or visual obstruction caused by abrasion, ultraviolet light or substances such as chemicals or dirt.

8.8.2 Attachment—The label shall be attached permanently to the product or so that it cannot be easily removed.

8.9 Replacement—Product/Warning labels should be replaced by the product user when they no longer meet legibility requirements for safe viewing distance described in **8.5.1** and **8.7.1**. In cases where products have an extensive expected life or where exposed to extreme conditions, the product user should be able to obtain replacement labels from the manufacturer or responsible party.

8.10 Instruction/Use Label—Any product instructions or use label not attached to the product, intended to be viewed by the consumer/user shall contain in its contents the same applicable warning label as set forth in **8.2-8.6.3**.

8.10.1 When special circumstances limit use of label colors to two colors, the colors assigned to the message word panel may also be used for the signal word panel provided that the panel colors contrast with background color of instruction/use label.

8.11 Packaging Label—If packaging is intended for product display to the consumer/user, applicable warning label as described in **8.2-8.6.3** shall be placed on the printed side of the package intended for display and/or consumer information. The label shall be printed on or affixed to the package and not easily removable.

8.11.1 When special circumstances limit use of label colors to two colors, the colors assigned to the signal word panel may also be used for the message word panel provided that the panel colors contrast with background color of packaging.

8.12 Compliance Labeling—All labels shall note the specific cover classification.

9. Test Methods For Safety Covers

9.1 Static Load Test:

9.1.1 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. During this test there shall be no requirement for the absence of water appearing on the surface of the cover.

9.1.2 Procedure—The pool shall be filled to its waterline and the cover fitted in accordance with the cover manufacturer's instructions. The test objects shall be placed on the surface of the cover at the following critical points:

9.1.2.1 The center point of the cover.

9.1.2.2 Between attachment points and a distance of at least 4 ft (1.2 m) but not to exceed 6 ft from the side of the pool.

9.1.2.3 The test objects shall remain in each test position for a period of 5 min.

9.2 Perimeter Deflection Test:

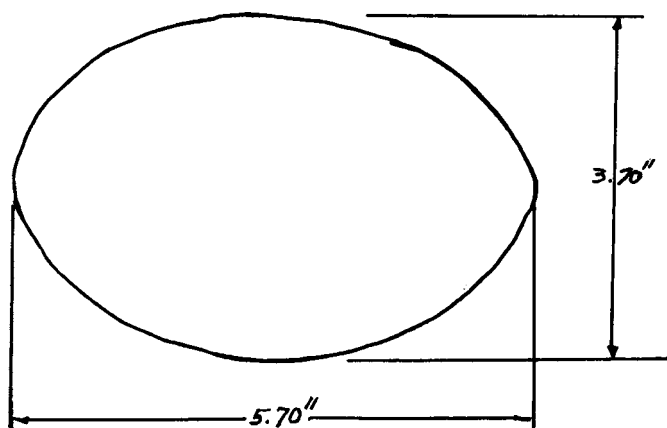
9.2.1 This test shall be conducted to demonstrate the following: if a child under the age of five were to fall onto the cover neither that child nor another child could slip through any openings that may occur between the cover and the side of the pool.

9.2.2 Perimeter Deflection Test Object—Test object shall be 3.7 in. (0.09 m) by 5.7 in. (0.14 m) by a minimum 12 in. length and a weight of 36.6 lbs in an ellipsoidal shape. See **Fig. 2**.

9.2.3 Procedure—With 50 lbs (22.7 kg) on the cover at a distance of at least 4 ft, but not exceeding 6 ft from the side of the pool, the same cover shall not deflect to allow a perimeter

TABLE 1 Word Message Letter Height Sizes

Safe Viewing Distance	Minimum Letter Height for FAVORABLE Reading Conditions	Minimum Letter Height for UNFAVORABLE Reading Conditions
less than 24 in.	Height (in.) = $\frac{\text{View Distance}}{150}$	Height (in.) = $\frac{\text{View Dist.}}{75}$
24 to 96 in.	Height (in.) = $\frac{\text{View Distance}}{300}$	Height (in.) = $\frac{\text{View Dist.}}{150}$
greater than 96 in.	Height (in.) = $\frac{\text{View Distance}}{400}$	Height (in.) = $\frac{\text{View Dist.}}{300}$



NOTE 1—Area = 16.6 in.²

NOTE 2—Perimeter = 15.0 in.

FIG. 2 Template for Swimming Pool Cover Standard

test object to pass through, gain access to the water or be subject to entrapment between the cover and the side of the pool.

9.3 Surface Drainage Test:

9.3.1 *Surface Drainage Test Object*—Timmy³ or equivalent (32 in. length by 9 in. width by 5 in. deep by 36.6 lbs torso-shaped object) shall be placed on the pool cover in a supine position, faceup, within two to three feet of and parallel with the pool's edge. Three minutes later there shall not be an unsafe amount of water. An unsafe amount of water is defined as any quantity of water which completely covers the torso of the surface drainage test object.

9.3.2 *Procedure*—Test the cover by spraying water evenly over the area at an application rate of 10 gal/min per 1000 ft² (9.29 m²) of pool area for a period of 30 min. During this test, all equipment shall operate in accordance with cover manufacturer's instructions. Thirty minutes after completion of this

³ "Timmy" is a CPR mannequin, three year old boy; available from Simulaids Inc., P.O. Box 807, Dixon Avenue, Woodstock, NY 12489.

procedure, the cover shall pass the test method in 9.3. At all times during the procedure, maintain the pool level at the waterline.

9.4 Openings Test:

9.4.1 These tests shall be conducted to demonstrate that any openings remain small enough to prevent a small child's head from gaining access to the water.

9.4.2 *Openings test object*—A solid faced sphere test object with a maximum breadth of 4.5 in.

9.4.3 *Procedure*—The cover shall be fitted in accordance with the cover manufacturer's instructions. The test object shall be placed at or into any existing opening and apply a force of 40 lbs (plus or minus 1 pound) steadily to ensure the test object cannot pass through at the following critical openings:

9.4.3.1 Any opening between the edge of the cover and the deck surface and coping wall, or both, or the top surface of the spa or pool.

9.4.3.2 Any opening in the major component of the cover.

10. Operating Controls, Safety Covers

10.1 The open-close switch shall be spring-loaded or of the momentary contact type, so that when released, the cover stops operation immediately at any point in the open or closed cycle period.

10.2 The cover shall be reversible in direction from a full stop at any point in its travel without having to complete the full open or closed cycle.

10.3 Electrically operated control switches and motors shall be installed in accordance with the National Electrical Code Article 680-26.

10.4 The type of pool covering operating controls shall be such that:

10.4.1 Its fixed location is in the line of sight of the complete pool cover, or by its operating process. This ensures that the operator shall be in complete view of the cover at all times during the closing or pool covering process.

10.4.2 Switching devices shall be key-operated or locked away or able to be de-activated or otherwise located in an inaccessible location. An inaccessible location shall be at a height of at least five feet above the deck.

ANNEX

(Mandatory Information)

A1. RATIONALE

A1.1 Scope

A1.1.1 Although the majority of child-drowning and near-drowning which were reported did not involve safety covers, those who purport to provide a level of safety should be held

to a higher level of reliability. Injury reports made available from CPSC indicate that male children, one and two years of

age, living in a home with an in-ground pool are at the highest risk of being involved in a submersion incident that requires medical care.

A1.2 Referenced Documents

A1.2.1 Allows document reviewers the necessary information to validate the text of the standard.

A1.3 Terminology

A1.3.1 Consumers and new manufacturers may not be familiar with the technological language used within the text. This section also provides definitions for new terms created for this standard.

A1.4 Cover Classifications and Minimum Qualification Criteria

A1.4.1 By defining both the level of safety afforded and standard requirements to be satisfied, manufacturer and consumer will be able to define their needs and properly interpret the standard. This section also allows manufacturers to research and develop new technology which when applied could change their designation.

A1.5 Materials and Manufacture

A1.5.1 Varying lead times for material availability restrict or delay immediate compliance with this standard.

A1.6 Performance Requirements For Safety Covers

A1.6.1 Specified load factors represent the 95th percentile for a child under the age of five as well as one male adult and one female adult.

A1.6.2 If one child should gain access to the surface of the cover, another child in the area of the pool should not face increased risk.

A1.6.3 Recognizing that some residual water will remain after the surface water is removed, the test has been devised to ensure that the level can be maintained below that deemed substantially hazardous to a child of three based on data received from the Consumer Product Safety Commission.

A1.6.4 Openings in the major component or horizontal openings between the cover and solid structure of the pool area should remain small enough to prevent the head of a small child from gaining entrance. The head breadth for a 5th percentile of a 7 month old is about 4.5 in. The smallest mobile child would be about 7 months old since at this age 50 % of children can creep on hands and knees.

A1.7 Minimum Label Requirements For All Covers For Swimming Pools, Spas, and Hot Tubs

A1.7.1 Labeling on the product allows for transfer of the information to second owners and temporary users.

A1.7.2 The combination of Signal Word, Safety Alert Symbol and Word Message provides a higher level of warning than any single effort.

A1.7.3 An effort is being made nationally to make consistent the colors used to alert consumers to potential hazards.

A1.7.4 Contrast of colors between letter colors and labels are necessary in order to attract users' attention to label and enable readability.

A1.7.5 Letter size is an important factor in warning legibility so the consumer can recognize and avoid the hazard.

A1.7.6 Style of lettering affects the readability of the warning message.

A1.7.7 Warning labels can be more effective if they allow for reaction time on the part of the consumer.

A1.7.8 Damaged labels would not provide as strong a message as necessary.

A1.7.9 Due to extended life expectancy of cover products, labels cannot be expected to maintain their original appearance.

A1.7.10 Labeling messages and format should be consistent from point of purchase to use and/or application of cover.

A1.7.11 Packaging is, at times, the consumers first exposure to product information. Information contained on the warning label is necessary for making informed choices.

A1.7.12 All labels shall note that the product meets the requirements described in Specification F1346.

A1.8 General Requirements For Safety Covers

A1.8.1 Installation can be a key factor in the effectiveness of a safety cover whether it is manually or power installed.

A1.8.2 Manufacturer's markings are necessary to allow a continuity for second owners and consumer/manufacturer contact.

A1.8.3 The mechanisms which secure the cover are an integral component that help to defeat a child's entry to the water.

A1.8.4 Openings shall not be so large that the purpose of the cover is defeated.

A1.8.5 Structural integrity is necessary to provide safety.

A1.9 Test Methods For Safety Covers

A1.9.1 The rescue operation may require two adults and the cover shall support the total combined weight to avoid possible injury to those in the rescue attempt. The 95th percentile is represented by the 225-lb male, 210-lb female and 50-lb child.

A1.9.2 This test was devised to avoid an opening large enough for one child or another child to fall between the edge of the cover and the edge of the pool when one child of 50 lb is already on the cover.

A1.9.3 Recognizing that some residual water remains after the surface water is removed, this test is devised to ensure that the level is maintained below a level deemed substantially hazardous to a child under three years of age.

A1.9.4 No opening shall exist in the cover or at any point that the cover joins the surface of the pool structure or deck area (which would allow a small child's head to gain access to the water or become entrapped). The head breadth for a 5th percentile 7 month old is about 4.5 in.



A1.10 Operating Control, Safety Covers

A1.10.1 Operator controlled momentary contact type switches afford greater control in the event of an emergency.

A1.10.2 Should a child enter the water during the closure process, the cover shall be able to reverse without total closure.

A1.10.3 It is important in the case of an electrical installation to protect children and all swimmers from the possibility

of electrocution, which is the purpose of Article 680-26 of the National Electrical Code.

A1.10.4 Operator observation of the pool during the closing process is necessary to ensure that another person does not enter the water during the process. Additionally, the location of the activating device or the ability to render it inactive is necessary to avoid unauthorized opening of the cover.

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Office of Community Development

TO: Public Welfare Committee
FROM: Mike Hadley,
DATE: November 9, 2021
SUBJECT: Pool Fence and Cover Requirements

Background:

The topic was presented to Public Welfare Committee to consider changing the code to not require fencing around pools that meet certain automatic cover requirements. Complaints regarding the installation of fences have included not having options to protect a pool, the expense, availability to install fencing, and aesthetics for the neighborhood. The issue has come up on occasion by homeowners and there was an appeal to such requirement in July 2015, the appeal was denied. Staff did receive resident correspondence related to pool fencing (See Attached).

Analysis:

Mequon adopts the Uniform Building Code which gives us guidance for regulating pool and spa installations. (See Exhibit) The standard has been in place since 1967. The intent of the standard is to promote public safety.

Staff posed this question to the Building Inspectors Association of Southeastern Wisconsin (BIASEW) and the collective opinion was to not allow for a deviation. Staff made inquiries to surrounding communities and the only communities that allow an exception include Town of Cedarburg, City of Menasha. There may be more, but we did not get 100% response to our inquiry.

Considerations:

A pool is an attractive nuisance and safety measures should be taken

- 1.** Fencing provides a first line defense. Without, risks include
 - a) Potential threat to public safety
 - b) Being able to reach the hazard more easily.
- 2.** Regulation of covers for pools present a few issues:
 - a) Difficult to enforce
 - b) Hard to determine when the pool cover is not in use
 - c) Inspection and enforcement for proper use of a cover

Staff Summary:

The Public Welfare Committee should consider the risks of eliminating fences surrounding pools. Staff does not support the alternate use of covers due to the impact of public safety and remaining consistent with other surrounding communities' regulations. Depending on the Committee's direction, additional input and discussion may be necessary for drafting changes.

Attachments:

Pool Cover Information (PDF)

Attachment: November 2021 Staff Memo (ORDINANCE 2022-1618 : Residential Swimming Pool Safety Text Amendment)

Justin Schoenemann

From: Amber Schroeder <pt.amber@gmail.com>
Sent: Tuesday, April 5, 2022 4:44 PM
To: Justin Schoenemann
Subject: Auto pool cover

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Good Afternoon Justin,

I wanted to forward you some information to include in the packet that the alderman will receive before the next common council meeting. Attached please find the ASTM standards as well as the specifications for the motor, as well as the website and some other information that I thought would be helpful for the group while making a decision on the automatic pool covers. Please reach out if you have any questions,

Thank you,
Amber

<https://www.automaticpoolcovers.com/>

Motor Specification:
3/4 horse power motor
110volt
Only
Pulls 11volts max





4:39

 5G  astm.org**ASTM F1346-91(2018)** ⓘ

Standard Performance Specification for Safety Covers and Labeling Requirements for All Covers for Swimming Pools, Spas and Hot Tubs

1. Scope

1.1 This specification establishes requirements for safety covers for swimming pools, spas, hot tubs, and wading pools (hereinafter referred to as pools, unless otherwise specified). When correctly installed and used in accordance with the manufacturer's instructions, this specification is intended to reduce the risk of drowning by inhibiting the access of children under five years of age to the water.

1.2 This specification includes performance tests to demonstrate the compliance or noncompliance to requirements herein stated for safety covers. It also includes marking requirements for all covers.

1.3 The values stated in inch-pound units are to be regarded as the standard. The values in parentheses are given for information only.



Justin Schoenemann

From: Glenn Bushee
Sent: Monday, June 13, 2022 2:33 PM
To: Justin Schoenemann; Brian Sajdak
Subject: Fw: Electronic Pool Cover Ordinance - Mequon WI
Attachments: Mequon_Electronic_Pool_Cover_Ordinance.pdf

Brian, I've included you here because of the reply from Justin at the PHTA with regard to specifically including language referencing the ISPSC document within the ordinance). If you think it adds information, I can make a motion to add.

Justin, is it possible to get this information distributed to the council either via email, print, or both? While I took too long to actually pick up the phone and call the PHTA office, I think that this is very valuable information for people to be aware of. I will obviously plan on mentioning during the meeting as well.

Thank you both on what I assume is a rather busy (and rainy) Monday.

- Glenn

From: Justin Wiley <jwiley@phta.org>
Sent: Monday, June 13, 2022 12:35 PM
To: Glenn Bushee <gbushee@ci.mequon.wi.us>; Nicholas Capezza <NCapezza@phta.org>
Subject: Re: Electronic Pool Cover Ordinance - Mequon WI

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Good afternoon Alderman,

Below, you accurately captured our conversation. The International Swimming Pool and Spa Code is updated every three years and I am not aware of a jurisdiction un-adopting the ISPSC. Further, I am not aware of any drownings associated with a closed power safety cover that complies with ASTM F1346. It should also be mentioned that the ASTM standard is referenced in the International Swimming Pool and Spa Code (ISPSC) which enjoys the support from organizations such as the [National Drowning Prevention Association](#).

Regarding adding in the ISPSC: you could state something like: Swimming pools shall comply with [Section 305 Barrier Requirements of the 2021 International Swimming Pool and Spa Code](#). If there is a need to regulate swimming pool design and construction, you may want to consider adopting the entire document. It's in the same family of building and construction codes as the International Building Code and International Residential Codes. In fact, both the IBC and IRC point to the ISPSC.

I'm looping in our technical point, [@Nicholas Capezza](#) who might have additional information.

Let me know how I can help.

 Justin Wiley

[Pool & Hot Tub Alliance](#)

M: 202.361.8119

From: Glenn Bushee <gbushee@ci.mequon.wi.us>
Sent: Monday, June 13, 2022 1:13 PM
To: Justin Wiley <jwiley@phta.org>
Subject: Re: Electronic Pool Cover Ordinance - Mequon WI

Justin, a quick follow-up. You mentioned that many places make reference to the ISPSC code in their ordinance adoptions. If I suggest a modification, is the usual language effectively "At the time of electronic pool cover application, the resident should ensure that the current ISPSC code is followed" (or very similar after legal-speak added)? Thank you again.

- Glenn

From: Glenn Bushee
Sent: Monday, June 13, 2022 11:22 AM
To: jwiley@phta.org <jwiley@phta.org>
Subject: Electronic Pool Cover Ordinance - Mequon WI

Justin, thank you for taking the time to answer my questions on the phone today. The attached PDF contains the document and main discussion material for the key points in developing the ordinance language. To reiterate the questions and your responses (though not exact quotes, please correct me if I'm wrong):

1. In the ISPSC Adoption Status Report, all of the dates appear to be '12, '15, '18, '21. Is that the version that was adopted and not year of adoption?
 Response: Correct, we update the codes every three years.
2. Have any states or local adoptions been reversed?
 Response: Not to our knowledge.
3. Have there been any drownings unfortunately associated with automatic pool covers that you are aware of?
 Response: There have not been any reported to the PHTA.

Thank you again for discussion If you have any additional comments, please feel free to send them.

- Glenn Bushee
 Alderman, Mequon District 2
 Cell: 414-412-3857



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Office of Administration

TO: Public Welfare Committee
FROM: Justin Schoenemann, Assistant City Administrator
DATE: June 6, 2022
SUBJECT: Composting Plan

August Update

At its July meeting, the Public Welfare Committee requested that Assistant City Administrator Schoenemann reach out to waste haulers and compost companies to gauge interest in working with the City to provide a community-wide food waste composting option. As of this memo, only Compost Crusaders has expressed interest in potentially partnering with the City on a community-wide composting program at the City's Brush Site if such is established.

It is anticipated that a member from the Public Works Department will be in attendance at the Public Welfare Committee's August meeting to provide further subject matter information and assist with the Committee in its next steps.

Background

Alderman Gierl is interested in exploring the idea of establishing a composting initiative or plan for the community. Alderman Geirl previously shared *Kiss the Ground*, a documentary that explores the core ideas of regenerative agriculture and land management, which includes reducing landfill through composting. Options for viewing the video were shared in advance of the June meeting with Committee Members.

Section 66 of the City's Ordinances governs the collection and disposal of waste, recyclables, and composting. Composting is defined in Section 66-23 as "any aboveground microbial process that converts yard waste to organic soil amendment or mulch by decomposition of material through an aerobic process providing adequate oxygen and moisture" and is further governed by Section 66-28 (C). A copy of Section 66-28 is attached.

Community composting is on the agenda tonight for discussion to see if there is interest from the Public Welfare Committee in exploring the idea further. If there is interest, it is anticipated that the next step is to take the new policy initiative before the Committee of the Whole to determine if the Council is in favor of advancing the policy forward.

Attachments:

Section 66-28 City Recycling and Disposal Regulations (PDF)

Sec. 66-28. City recycling and disposal regulations.

(a) *Public recycling sites.*

- (1) The common council may locate one or more public recycling sites within the city. The use of such recycling site/s shall be limited to the exclusive use of city residents and restricted to the posted or published rules and regulations.
- (2) All materials acceptable for recycling shall be clearly identified at the recycling area. Any person disposing of any material not listed as acceptable or not disposing of any material in the proper container or manner described within the city's recycling policy shall be subject to a citation.
- (3) All authorized materials deposited at the site shall become the property of the City of Mequon. It shall be a violation of this section for any person, unauthorized by the City of Mequon, to remove those items posted or listed at the site.

(b) *Curbside recycling.*

- (1) Any garbage and refuse hauler doing business in the city shall provide a curbside pickup service of recyclable materials for their City of Mequon customers in accordance with section 66-24 and the city's recycling policy. Such service shall be provided at least twice a month.
- (2) It is the responsibility of the resident, property owner or appropriate homeowners' association of each single family and two-to four-unit residence to contract with a commercial hauler that is licensed by the City of Mequon for curbside recyclables collection.
- (3) From the time of placement at the curb or designated area by any person, for collection by the hauler, in accordance with the terms hereof, all items shall be the property of that person until pickup by their contracted hauler. It shall be a violation of this section for any other unauthorized person or hauler to collect or pick up those items placed at the curb.

(c) *Composting, brush and yard waste management.*

- (1) No brush or yard waste shall be mixed with garbage or refuse or hauled to a landfill.
- (2) The common council may locate a public composting, and brush and yard waste disposal site within the city. A written brush and yard waste management and disposal policy shall be on file in the office of the director of public works. Procedures in said policy shall be enforced and site shall be used as follows:
 - a. Self service brush and yard waste disposal site is for the exclusive use of city residents.
 - b. A city-issued permit is required. Permit and driver's license shall be produced and displayed to city employees upon request.
 - c. Disposal times will be posted. The disposal site shall generally be open from April through November. The city reserves the right to close the site early if conditions warrant.
 - d. Brush and yard waste dropped off at the site must be placed in the specified areas. Citations will be issued for unauthorized dumping.
 - e. Only brush and yard waste from a residential lot in the City of Mequon is accepted. A commercial service may be used, but the property owner must accompany or meet the driver at the site to verify the permit and origin of material. Commercial dumping is not allowed unless it is from the owner of the commercial service's personal residential property in Mequon.
- (3) Curbside brush pickup by the city shall be for the exclusive benefit of residents only and shall be done as stated in the city's brush management policy.

- (4) Composting is prohibited for any owner or occupant of property within the city for business, commercial, industrial or residential purposes except as hereinafter provided:
- a. Composting shall be established in such a manner so as not to create an odor or other nuisance.
 - b. Composting may consist only of yard waste, wood ash, sawdust and non-animal byproduct kitchen waste generated from the site on which the composting is located unless prior approval has been obtained from the director of public works.
 - c. Composting, if conducted within an enclosed container, shall not exceed a height of five feet. The city may require the compost site to be screened from neighboring properties by using appropriate fencing, trees or shrubs.
 - d. Composting must be in the backyard and must be no closer to rear or side lot lines than the local zoning allows for buildings. Where it is physically impossible to compost behind the rear line of the main building, the compost pile or container shall be placed as inconspicuously as possible along the side or front of the building with appropriate screening as deemed by the director of public works.
 - e. Sheet composting shall cover no more than five percent of the total lot area, must be in a backyard and must be five feet from any side or rear lot line. Sheet composting must be incorporated directly into the soil.
 - f. None of the following materials shall be used for composting: meat, bones, fat, oils, dairy products and other animal byproduct kitchen wastes, whole branches or logs, plastics, synthetic fibers, or human or pet wastes.

(Code 1957, § 8.09(13); Ord. No. 94-833, 11-17-1994; Ord. No. 94-833-A, 12-13-1994; Ord. No. 94-807, 6-14-1994)



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Office of Administration

TO: Public Welfare Committee
FROM: Justin Schoenemann, Assistant City Administrator
DATE: May 4, 2022
SUBJECT: Work Calendar

Meeting Topics

July

- Resident Swimming Pool Safety Covers (Continued)
- Composting Plan (Continued)
- Aldermanic Special Election Ordinance

August

- Resident Swimming Pool Safety Covers (Continued)
- Composting Plan (Continued)

September

- Resident Swimming Pool Safety Covers (Continued)
- Composting Plan (Continued)
- Electronic Meetings Ordinance

Future Agenda Topics

- No Mow May
- Nuisance Ordinance Review
- Architectural Board Review (Continued)
- Chapter II, Article IV Review (Continued)
- Adopt-A-Median Program
- Community Outreach Initiatives
- Logo Redesign/Branding
- Home Irrigation Systems (Fall 22)

2022 Completed Items

- Aldermanic Special Election Ordinance
- Aldermanic Wards Modifications
- Bee City Designation
- Architectural Board Membership
- Electronic Meetings Ordinance
- Polling Sites
- Burn Ordinance