

Chapter 18.32 - PRIVATE SWIMMING POOLS

A "**private swimming pool**" is a structure containing or intended to contain a body of water in an artificial or semi-artificial receptacle or other container, having a capacity for water exceeding eighteen inches in depth at any point, located above or below the surface of the ground elevation used or intended to be used by the owner, operator or lessee thereof and his family or guests authorized to use it, and including all structures, appurtenances, equipment, appliances and other facilities appurtenant thereto and intended for the operation and maintenance of a private swimming pool.

18.32.020 - **Construction—Permit—Application—Fee.**

Before work is commenced on the construction of a private swimming pool or on any alterations, additions, remodeling or other improvements to a private swimming pool, and application for a permit to construct and the plans and specifications and pertinent explanatory data shall be submitted to the building inspector, and no part of the work shall be commenced until a written permit to construct is issued by the building inspector and the required fee paid by the applicant. All applications shall be made in the manner provided in the building code.

18.32.030 - **Construction—Requirements.**

The building inspector shall not issue a permit for the construction of any private or residential swimming pool or for any alterations, additions, remodeling or other improvements to an existing private or residential swimming pool unless the following construction requirements are observed in such construction, alteration, addition, remodeling or other improvements:

All materials and methods of construction in the construction, alteration, addition, remodeling or other improvements of private or residential swimming pools shall be approved by the building inspector.

Every outdoor private or residential swimming pool shall be provided with a suitable draining method, and in no case shall water from any pool be drained into the sanitary sewer system, nor with detriment onto lands of other property owners in the vicinity.

Every outdoor private or residential **swimming pool in the ground or with sides less than four feet high**, as in the case of aboveground pools, **shall be completely enclosed by a fence or wall not less than four feet in height**, but not to exceed eight feet in height, which shall be so constructed as not to have openings, holes or gaps larger than four inches in any dimension. A residence or accessory building may be used as part of the enclosure. All gates and doors opening through such enclosures shall be equipped with a self-closing and self latching device for keeping the gate or door securely locked at all times when not in actual use; except, that the door of any dwelling which forms a part of the enclosure need not be so equipped. Aboveground pools using a ladder for ingress and egress shall have this ladder removed when the pool is not in use. The requirements of this subsection shall be applicable to all private swimming pools, whether constructed before or after the effective date of the ordinance codified in this chapter, except in the case of an existing pool where the building inspector finds that there are special circumstances existing that prevent such pool from being a safety hazard.

18.32.040 - **Electrical requirements.**

All electrical installations provided for, installed and used in conjunction with private residential swimming pools shall be in conformance with city ordinances regulating electrical installations and also in conformance with the then existing National Electrical Code Requirements on swimming pools, fountains and similar installations as found in the Wisconsin Administrative Code SPS 316, SPS 324 and (NEC) 2011 National Electrical Code, a copy of which shall be available at all times at the city of Ripon Municipal offices.

(Ord. No. 1415, 2-12-2013)

18.32.050 - **Recirculation system—Required.**

A satisfactory recirculation and purification system for the swimming pool shall be installed and shall at all times be operated while the pool is being used.

18.32.060 - **Required setbacks.**

No part of any outdoor swimming pool shall be set nearer than six feet from any lot line, or fifteen feet from any adjacent residence, or in the front setback area of any lot.

18.32.070 - **Life preservers required—Number.**

Every private swimming pool shall be equipped with a minimum of two throwing ring buoys, or equivalent life preservers.

18.32.080 - **Modifications.**

The zoning board of appeals may make modifications in individual cases, upon showing of good cause, with respect to the height, nature or location of the fence, wall, gates or latches, or the necessity therefor, provided the protection sought under this chapter is not reduced thereby.

18.32.090 - **Small temporary pools**—Covering or draining required when. Any pool more than six inches in depth and exceeding three feet in width shall be adequately covered or drained when not in use.

Vision Clearance. No fence, wall, hedge or shrub, plant or tree which obstructs sight lines at an elevation of two feet above the roadway shall be placed or permitted to remain on any corner within the triangular area formed by street right-of-way lines and a line connecting them at points thirty feet from the intersection of the right-of-way lines.

20.52.040 - **Accessories—Corner visibility.**

Accessory Uses and Structures. All accessory buildings which are attached to the principal buildings shall comply with the yard requirements of the principal building.

Detached Accessory Building. No detached accessory building shall occupy any portion of the required front or side yard and no detached accessory building shall occupy or be located within five feet of any accessory building or principal building.

Corner Visibility. On any corner residential lot, nothing shall be erected, planted or allowed to grow within the triangle formed by connecting the following three points: the point of the intersection of the property lines adjacent to the lot of the intersection streets, a point of fifteen feet from such point of intersection along one lot line and a point fifteen feet from such point of intersection along the other lot line. Upon complaint from a city resident, the building inspector or public works director shall investigate the obstruction to vision in the city, and if any property owner therein shall fail or neglect to remove such obstruction within thirty days after written notice from the duly authorized city representative, he shall, without further notice, remove or cause all such obstructions to be removed, and cause the cost of such summary removals to be charged to the owner of the property upon which such obstructions were located. The cost of such removals shall be charged to the property owner at the cost of removal.

Costs for Removals. The costs for such removals shall be certified to the city administrator, specifying by separate items the amount chargeable to each piece of land, describing the same, and the city administrator shall enter the amount chargeable to each tract of land in the next tax roll in column headed, "For the Removal of Site Obstructions" as a tax on the lands upon which such site obstructions were destroyed, which tax shall be collected as other taxes are. The authorized city enforcers of this section and his agents, representatives and employees may enter upon any lands upon which any of the site obstructions defined herein and remove them without being liable to an action for trespass or any other action for damages resulting from such entry and destruction, if reasonable care is exercised in the performance of the duties herein imposed.

Exempt Areas. The following items are exempt from this section:

Objects less than two and one-half feet high;

Objects less than one foot wide;

Fences and Hedges.

Definitions. For the purpose of this section, the following definitions shall apply:

"Fences" means a barrier made of wood, iron, stone or other material.

"Hedge" means a barrier consisting of natural or artificial vegetation.

Permit Required. No person shall erect or construct any fence on any property without first obtaining a fence permit and paying the required fee set forth by city resolution. Applicants must provide a survey or otherwise demonstrate clear evidence regarding a proposed fence's relationship to adjacent property lines.

Prohibited Fences. No person shall construct or maintain any fence, any barbed wire fence or any fence which is charged or connected to an electrical current in such a manner as to transmit current to any person or animals.

Construction Standards. Fences shall be constructed in a substantial manner and using materials reasonably suited for the proposed use. Snow fences or other fences which are inherently temporary by nature shall not be permitted. Fences shall be constructed such that the "finished" side faces the neighboring property. Fence posts shall be placed on that side of the fence facing the applicant's property.

Maintenance Requirements. Fences shall be maintained in a condition of reasonable repair and shall not be allowed to deteriorate so as to become a safety hazard or nuisance to adjacent property owners or the general public.

Height Limitations.

A fence bordering side and rear lot lines shall be no more than seven feet in height in any residential district or eight feet in height in any other district.

A fence or any natural hedge or closely planted vegetation that forms a barrier shall not exceed four feet in height within the limits of the front yard in all residential districts.

A fence or any natural hedge or closely planted vegetation that forms a barrier shall not exceed a height of thirty inches if within ten feet of a driveway access for a distance of ten feet in each direction from the intersection of the property line and street right-of-way line in all residential districts.

On corner lots, no planting or structures shall impede vision between a height of thirty inches and seven feet above the curb line in the vision of safety zone. In no case shall a fence or similar barrier impede vehicular vision or cause a hazardous condition to exist.

Location. Fences shall not be located within two feet of any property line except that they may be placed closer to or on the property line with a written consent of abutting property owners. The city shall require the owners to file the written fence agreement.

Nonconforming Fences and Hedges. Any fence or hedge existing on the effective date of this code and not in conformance with this section may be maintained, but any alteration, modification or improvement of such fence shall comply with this section.

"Accessory building or use" means a building or use customarily incidental or subordinate to the principal building or use and located on the same lot with the principal building or use. A mobile home, automobile, trailer, or other vehicle, or part thereof, or building on wheels used as a temporary or permanent dwelling or lodging place shall not be considered an accessory building or use.

20.04.100 - Building coverage.

"Building coverage" means the percentage of a residential lot, which may be covered by main buildings and accessory buildings.

20.12.020 - Height regulations.

Maximum height permitted shall be the lesser of thirty-five feet or two and one-half stories; provided, however, that this height limit may be increased one foot for each additional foot that each yard exceeds the minimum required. Accessory buildings shall not exceed fifteen feet in height.

(Ord. 1127 (part), 1998).

Accessory Buildings. Accessory buildings may not project into the front yard of the main building, may not be closer than ten feet to the principal building (unless attached) and may not be closer to any lot line than three feet.

Percentage of Lot Coverage. All buildings including accessory buildings shall not cover more than thirty percent of the area of the lot. Heights are determined from the main elevation of the finished grade adjoining and along the front of the building to the highest point.

Detached Accessory Building. No detached accessory building shall occupy any portion of the required front or side yard and no detached accessory building shall occupy or be located within five feet of any accessory building or principal building.

R-3 Accessory Buildings. Accessory buildings may not project forward of the required setbacks of the main building, and may not be closer to any lot line than six feet.

Structures accessory to permanent open space uses or functionally dependent on a waterfront location may be allowed by permit if the structures comply with the following criteria:

The structure is not designed for human habitation and does not have a high flood damage potential;

It must be anchored to resist floatation, collapse, and lateral movement;

Mechanical and utility equipment must be elevated or floodproofed to or above the flood protection elevation;

And It must not obstruct flow of floodwaters or cause any increase in flood levels during the occurrence of the regional flood.

Accessory Structures or Uses.

Except as provided in subsection (b), an accessory structure which is not connected to a principal structure may be constructed with its lowest floor at or above the regional flood elevation.

An accessory structure which is not connected to the principal structure and which is less than six hundred square feet in size and valued at less than ten thousand dollars may be constructed with its lowest floor no more than two feet below the regional flood elevation if it is subject to flood velocities of no more than two feet per second and it meets all of the provisions of Section 20.46.043(2)(a),(b),(c) and (d) and Section 20.46.53(5) below.

ARTICLE VII. - **NONCONFORMING USES**

20.46.071 - **General.**

Applicability. If these standards conform with Section 59.69(10), Wisconsin Statutes, for counties, or Section 62.23(7) (h), Wisconsin Statutes, for cities and villages, they shall apply to all modifications or additions to any nonconforming use or structure and to the use of any structure or premises which was lawful before the passage of the ordinance codified in this chapter or any amendment thereto. The existing lawful use of a structure or its accessory use which is not in conformity with the provisions of this chapter may continue subject to the following conditions:

No modifications or additions to a nonconforming use or structure shall be permitted unless they comply with this chapter. The words "modification" and "addition" include, but are not limited to, any alteration, addition, modification, structural repair, rebuilding or replacement of any such existing use, structure or accessory structure or use. Ordinary maintenance repairs are not considered an extension, modification or addition; these include painting, decorating, paneling and the replacement of doors, windows and other nonstructural components and the maintenance, repair or replacement of existing private sewage or water supply systems or connections to public utilities. Ordinary maintenance repairs do not include any costs associated with the repair of a damaged structure.

The construction of a deck that does not exceed two hundred square feet and that is adjacent to the exterior wall of a principal structure is not an extension, modification or addition. The roof of the structure may extend over a portion of the deck in order to provide safe ingress and egress to the principal structure.

If a nonconforming use or the use of a nonconforming structure is discontinued for twelve consecutive months, it is no longer permitted and any future use of the property, and any structure or building thereon, shall conform to the applicable requirements of this chapter. The municipality shall keep a record, which lists all nonconforming uses and nonconforming structures, their present equalized assessed value, the cost of all modifications or additions, which have been permitted, and the percentage of the structure's total current value those modifications represent.

No modification or addition to any nonconforming structure or any structure with a nonconforming use, which over the life of the structure would equal or exceed fifty percent of its present equalized assessed value, shall be allowed unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this chapter. Contiguous dry land access must be provided for residential and commercial uses in compliance with Section 20.46.053(1). The costs of elevating a nonconforming building or a building with a nonconforming use to the flood protection elevation are excluded from the fifty percent provisions of this paragraph. Except as provided in subsection 2., if any nonconforming structure or any structure with a nonconforming use is destroyed or is substantially damaged, it cannot be replaced, reconstructed or rebuilt unless the use and the structure meet the current chapter requirements. A structure is considered substantially damaged if the total cost to restore the structure to its pre-damaged condition equals or exceeds fifty percent of the structure's present equalized assessed value. For nonconforming buildings that are damaged or destroyed by a nonflood disaster, the repair or reconstruction of any such nonconforming building may be permitted in order to restore it after the nonflood disaster, provided that the nonconforming building will meet all of the minimum requirements under applicable FEMA regulations (44 CFR Part 60), or the regulations promulgated thereunder.

A nonconforming historic structure may be altered if the alteration will not preclude the structures continued des historic structure, the alteration will comply with Section 20.46.043(1), flood resistant materials are used, and non practices and floodproofing methods that comply with Section 20.46.085 are used.