

# Memo

To: Village Board

Fr: Trevor Fuller, Planning and Zoning Administrator

Re: AMENDING THE SWIMMING POOL FENCING CODE (from 08/06/19 and 08/20/19 - Fuller)

Date: 26 September 2019

In August 2019, a resident requested an amendment to Chapter 229 (Fences) of the village ordinances. The amendment would allow an automatic pool safety cover to be used as an allowed barrier for swimming pools and would not require the installation of a fence around the pool, as is currently the case (Section 229.8).

The resident presented information to the Village Board at the August 20, 2019 Village Board meeting. The proposed automatic pool safety cover is a new technology and is different than what is traditionally thought of about pool covers, as these covers can be walked on without collapsing. The village has received a letter from the homeowner's insurance company, approving the use of the cover in lieu of a fence.

The Green Bay Metro Fire Department said most drowning incidents in Brown County are either on the rivers or at Bay Beach. There are two known drowning incidents in Allouez in the last 25 years. Both incidents resulted from medical issues while in the pool.

Staff reached out to other municipalities to see what their ordinances allow for residents with pools. Five municipalities responded – City of Green Bay, City of De Pere, Village of Suamico, Village of Ashwaubenon, and Town of Ledgeview. Only the City of Green Bay and the Village of Suamico allow this technology to be used in lieu of a fence.

Staff has discussed and researched the issue at length and does not recommend amending the ordinance because of the following issues:

- The technology is too new for credible studies to be done analyzing the issue.
- The technology is challenging to inspect and enforce:
  - Village officials cannot drive by and inspect from the road.
  - It would be harder for neighbors to call the village with "tips" of violators.
- The wear of fabric and equipment – e.g. fabric lasts 7-10 years.
- Power outages and mechanical failure could leave the cover left in the open position.
- Lack of temporary fixes – e.g. a hole in the fence can be temporarily secured, a cover cannot.
- Human behavior can be unpredictable from home owner to home owner.

**The Village Board is asked whether or not to direct staff to pursue further and draft an amendment to Chapter 229 of the village ordinances.**

The resident who made the initial request has been notified of the discussion and meeting on October 1, 2019.