

Development Director, who shall inspect the site of each proposed fence and shall consider whether the proposed fence will substantially interfere with the view, light or free flow of air. The Community Development Director may approve or deny applications or submit the application to the Public Safety Committee for its recommendation to the Common Council for consideration.

- C. Wire fences. Wire fences are to be of chain link construction or a vinyl-coated minimum wire gauge of No. 16 with a maximum opening of two inches by three inches.
- D. Wood fences. Redwood shall be preferred for durability. Woods other than redwood may be used, provided that they are suitably maintained or painted.
- E. Height. Fence wire, panels or boards may not exceed a height greater than six feet. The bottom panels or boards shall not be more than two inches above the existing grade of the property, except that the Building Inspector or Zoning Administrator may use discretion to allow a greater area between the ground and the bottom of the fence to accommodate uneven grades of the property. No fence constructed in residential districts shall exceed four feet in height in the front, side or rear yards adjacent to streets, with alleyways not to be considered streets. Fencing around swimming pools shall be in accordance with the Municipal Code, § 106-17C(8). When unusual circumstances exist, exceptions to height requirements may be granted upon application to the Board of Appeals. In considering any requests for an exception, the Board of Appeals shall consider the need for the exception, the effect on abutting property owners and the neighborhood, and the public health, safety and welfare.
- F. Location. The property owner shall be responsible for the proper placement and location of the fence. The City shall not be responsible for determining property lines.
- G. Definition. The term "fence" shall not be construed to include racks or trellises for support of vines or flowers.
- H. Barbed wire. No residential fence consisting wholly or in part of barbed wire shall be erected or maintained in the City.
- I. Security fences. The Council, upon proper application, may approve security fences for commercial and industrial zones of such design and construction, as it shall deem proper.
- J. The side of the fence considered to be the face or finished side (as opposed to the structural supports) shall face the abutting property. The finished side is the side of the fence minimizing the view of posts and supports.

§ 106-17. Swimming pools.

- A. Permit required. A permit shall be required for any swimming pool with a capacity of 5,000 or more gallons.
- B. Application. An application for a building permit shall show:
 - (1) Type and size of pool.
 - (2) Site plan.

BUILDING CONSTRUCTION AND FIRE
PREVENTION

§ 106-17

§ 106-17

- (3) Location of pool.
- (4) Location of house, garage, fencing and other features on the lot.
- (5) Location of structures on all adjacent lots.
- (6) Location of filter unit, pump and wiring (involving type).
- (7) Location of back-flush and drainage outlets.
- (8) Grading plan, finished elevations and final treatment (decking, landscaping, etc.) around pool.
- (9) Location of existing overhead or underground wiring, utility easements, trees and similar features.

C. Single-family and two-family districts.

- (1) Pools for which a permit is required shall not be located within 10 feet of any side or rear lot line nor within six feet of any principal structure or frost footing. Pools shall not be located within any required front yard.
- (2) Pools shall not be located beneath overhead utility lines nor over underground utility lines of any type.
- (3) Pools shall not be located in or on any easement of any private or public utility, walkway, drainage area or other easement.
- (4) For in-ground pools, due precautions shall be taken during the construction period to:
 - (a) Avoid damage, hazards or inconvenience to adjacent or nearby property.
 - (b) Ensure that proper care shall be taken in stockpiling excavated material to avoid erosion, dust or other infringement onto adjacent property.
- (5) To the extent feasible, back-flush water or water from pool drainage shall be discharged on the owner's property or into approved public drainageways. Water shall not drain onto adjacent or nearby private land without written permission of the owner thereof.
- (6) The filter unit, pump, heating unit and any other noisemaking mechanical equipment shall be located at least 30 feet from any adjacent or nearby residential structure or shall be enclosed in a sound-resistive enclosure not closer than 10 feet to any lot line.
- (7) Lighting for the pool shall be directed into or onto the pool and not onto adjacent property.
- (8) Safety barrier. **[Amended 10-1-2018 by Ord. No. 25-18]**
 - (a) Nonclimbable safety barrier of at least four feet in height shall completely enclose the pool and be constructed without voids, holes or openings larger than four inches in one dimension. Gates or doors shall be equipped with

selfclosing and self-latching hardware and be kept locked when the pool is unattended.

- (b) The necessary safety barrier can be omitted as long as the pool is protected by installation of a powered safety cover. The cover shall be ASTM 1346-91 certified and be kept in the closed position anytime the pool is unattended.
 - (c) The access point to above ground pools may be the only portion of the pool protected as long as the pool walls are at least 48 inches above adjacent grade. The access point shall be completely surrounded by a nonclimbable barrier meeting the requirements of Subsection C(8)(a) or restricted by a removable or lockable access ladder.
- (9) Water in the pool shall be maintained in a suitable manner to avoid health hazards.
 - (10) All wiring, lighting, installation of heating unit, grading, installation of pipes and all other installations and construction shall be subject to inspection by the Building Inspector.
 - (11) All electrical wiring, including bonding and grounding, shall comply with the current addition of the National Electrical Code.
 - (12) Any proposed deviation from these standards and requirements shall require a variance in accordance with normal zoning procedures.
- D. Multiple-family areas. Pools in multiple-family areas (residential structure containing three or more dwelling units) shall conform to the standards set for single-family districts with the following added restrictions:
- (1) No part of the water surface of the swimming pool shall be less than 50 feet from any lot line.
 - (2) No pump, filter, heating units or other apparatus used in connection with or to service a swimming pool shall be located less than 50 feet from any lot line.
 - (3) All deck areas, adjacent patios or other similar areas used in conjunction with swimming pools shall be located not closer than 30 feet to any adjacent single-family lot line. Adequate screening, including both fencing and landscape treatment, shall be placed between such areas and adjacent single-family lot lines. A nonclimbable barrier meeting the requirements of § 106-17C(8)(a) shall be the only acceptable form of protection for a pool in a multi-family area and shall completely surround the pool on all sides. **[Amended 10-1-2018 by Ord. No. 25-18]**
- E. All areas.
- (1) Required safety barrier shall be completely installed within three weeks following installation of the pool and prior to the pool being filled. **[Amended 10-1-2018 by Ord. No. 25-18]**

BUILDING CONSTRUCTION AND FIRE
PREVENTION

§ 106-17

§ 106-20

- (2) There shall be no nuisances, such as undue noise, lighting onto adjacent property, health and safety hazards, damage to nearby vegetation, etc.
- (3) Filling of pools via fire hydrants or other public means shall require approval of the Water Utility.
- (4) Drainage of pools into public streets or other public drainage ways shall require permission of the Director of Public Works.

F. Permit fees. See § 106-7A.

§ 106-18. Board of Appeals.

- A. Appeals. Appeals to the Board of Appeals may be taken by any person aggrieved or by an officer, department, board or bureau of the City affected by any decision of the Community Development Director or Building Inspector. Such appeal shall be taken within a reasonable time as provided by the rules of the Board, as established in Hudson Municipal Code § 255-90, by filing a notice of appeal with the Community Development Director or Building Inspector and with the Board of Appeals, specifying the grounds thereof, and by paying a filing fee as established by the Common Council. The Community Development Director or Building Inspector shall forthwith transmit to the Board all papers constituting the record upon which the action appealed from was taken. The Board shall fix a reasonable time for the hearing of appeals and give public notice thereof, as well as due notice to the parties in interest, and shall decide the same within a reasonable time.

§ 106-19. Retaining walls.

- A. No retaining wall adjoining or abutting any public street, alley or right-of-way shall be constructed unless a permit is issued pursuant to this section.
- B. Application shall be made to the Building Inspector, who shall require that plans and specifications for the retaining wall be prepared by a Wisconsin registered engineer or architect, and shall set forth engineering calculations, computations and specifications as required by the Building Inspector. Any necessary engineering fees incurred by the City in review of the application shall be paid for by the applicant.
- C. This section shall apply only to retaining walls that are more than five feet in height above average grade as defined in Chapter 255, Zoning, § 255-4 of this Code.

§ 106-20. (Reserved)²

2. Editor's Note: Former § 106-20, Erosion and sediment control, was repealed 12-17-2018 by Ord. No. 29-18.