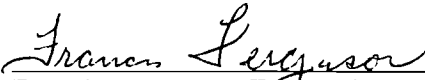


AMENDMENT OF TOWN OF BYRON
ORDINANCE PROHIBITING PUBLIC NUISANCES


WHEREAS, the Town Board of the Town of Byron deems it in the public interest and welfare and a proper exercise of the Town's police powers under Section 60.22 of the Wisconsin Statutes, to regulate and prohibit public nuisances arising from uncontrolled access to outdoor swimming pools;

NOW, THEREFORE, the Town Board of the Town of Byron, Fond du Lac County, does hereby ordain that Section 2(2)(h) of the Town's Ordinance Prohibiting Public Nuisances is hereby created to identify certain property conditions as nuisances, as follows:

- (h) Any swimming pool lacking adequate restrictions upon access thereto or means of escape therefrom. The following conditions are deemed inadequate to these purposes:
 - (i) Any in ground swimming pool that is not completely surrounded by a fence of no less than 6 feet in height, containing a lockable gate and constructed in a manner which prevents children from passing under or through the gate and fence.
 - (ii) Any above ground swimming pool of permanent construction that does not have a lockable gated approach to the pool or to any deck that is adjacent to the pool.
 - (iii) Any in ground swimming pool that is equipped with ladders to enter the pool which ladders are not removable and in fact removed when neither the pool nor the outdoor area within 20 feet of the pool is occupied by a competent adult. This subparagraph shall not apply to any ladder, the access to which is restricted by a fence which complies with subparagraph (i) above.
 - (iv) Any pool of more than 3 feet in water depth that is not equipped with a submerged ladder or steps which can be used for climbing out of the pool water.
 - (v) Any pool that is not drained, removed or dismantled when the property on which it is located is not inhabited for a period of 1 month or more.


Francis Ferguson, Town Chairman

Attest:


Gloria Kelroy, Town Clerk

Adopted this 8th day of November, 2005 and published this 21st day of November, 2005.

