



**Maryellen Bruesch**

Apr 6, 2021, 8:06 EDT

Hello, Ha,

For public pools (if someone rents their pool out by the hour, day, week, whatever, to the public, that is a public pool), a license is required. If the pool is at an apartment complex or condo or campground or home owner association, they may already have a license (you should check).

If the pool is at a private residence, they may not have a license and would be required to obtain one if they are renting their pool out to the public to use.

The reason for this is that when the public uses a pool, they are being subject to hazards that must be controlled. The hazards are chemical (chlorine, acid, other), microbiological (disease transmission in improperly disinfected water), and physical—including entrapment in drains, and drowning or life safety. The Wisconsin pool codes (390 and 76) have provisions to protect the public from these hazards. Licensing will ensure that a plan review of the construction has been done, and that operational requirements are reviewed.

This process will generally start with plan review at our DSPS. This would involve the person having their engineer or architect or pool company contacting DSPS (their pool tech mailbox is copied here). *It should be noted that many residential pools will need a lot of modifications before being able to be licensed for public use.* Once plans and construction are approved, they may apply for a license from DATCP or its local agent health department to operate the pool.

I'm happy to answer any question you or your clients may have about our regulations. Please let me know any questions you may have about the code documents I attached to my original inquiry, or operating a public pool in Wisconsin.

Thanks!

Mary Ellen

Mary Ellen Bruesch MS, REHS/RS  
Environmental Health Technical Specialist–Public Pools and Water Attractions  
Division of Food and Recreational Safety  
Wisconsin Department of Agriculture, Trade and Consumer Protection  
[Maryellen.bruesch@wisconsin.gov](mailto:Maryellen.bruesch@wisconsin.gov)

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service. Thank you for your feedback!

Please note these helpful links may also provide answers to questions:

DATCP Pools Page:

[https://datcp.wi.gov/Pages/Programs\\_Services/WaterRecreation.aspx](https://datcp.wi.gov/Pages/Programs_Services/WaterRecreation.aspx)

DATCP Covid Communications related to Rereational Facilities:

[https://datcp.wi.gov/Pages/News\\_Media/Covid19FoodSupplyDelivery.aspx](https://datcp.wi.gov/Pages/News_Media/Covid19FoodSupplyDelivery.aspx)

DATCP Licensing (lists of licensed facilities is at bottom left of page):

[https://datcp.wi.gov/Pages/Licenses\\_Permits/RecFaLicenses.aspx](https://datcp.wi.gov/Pages/Licenses_Permits/RecFaLicenses.aspx)

**Ha Nguyen (Swimply)**

Apr 6, 2021, 2:13 EDT

Hi Maryellen,

Yes, we would be interested in learning more about what is needed to apply and obtain a pool licensing requirement for Wisconsin. Thank you in advance for sending over.

Best,

Ha from Swimply



**Maryellen Bruesch**

Apr 5, 2021, 13:10 EDT

Thanks for your reply. Here is the section of the code that covers 'public' use of a pool.

**ATCP 76.02 Applicability.**

(1) This chapter applies to the operation of public pools and water attractions.

(b) A pool or water attraction is not a public pool or water attraction if it serves fewer than 3 individual residences, **unless it is used on a regular basis by persons other than the residents.**

Mary Ellen Bruesch MS, REHS/RS

Environmental Health Technical Specialist–Public Pools and Water Attractions

Division of Food and Recreational Safety  
Wisconsin Department of Agriculture, Trade and Consumer Protection  
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**Jalen (Swimply)**

Apr 5, 2021, 13:03 EDT

Hi There,

Thanks for reaching out!

I am going to pass this over to my supervisor, Ha, so she can take a look at this for you!

Best,

Jalen from Swimply



**Maryellen Bruesch**

Apr 5, 2021, 12:55 EDT

Maryellen Bruesch was not signed in when this comment was submitted. [Learn more](#)

Hello,

I am reaching out to let you know about pool licensing requirements in Wisconsin and what Wisconsin considers as in need of a license. I can send some more information if you need that. Basically a pool at a residence can't be open to the

public unless it's licensed, and in order to license it needs to meet commercial code. We would not consider a fill-and-drain whirlpool a 'pool' though.

Mary Ellen Bruesch, Technical Specialist

Attachment(s)

[Licensable Pools.pdf](#)

[76.pdf](#)

[390.pdf](#)