

**THE FOLLOWING ORDINANCE WAS SPONSORED BY COUNCILMEMBER  
VOGELTANZ, MOVED FOR ADOPTION BY COUNCILMEMBER VOGELTANZ,  
AND SECONDED FOR ADOPTION BY COUNCILMEMBER DISCON**

**ORDINANCE NO. 26-21**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MANDEVILLE TO  
ENACT SECTION 9-9 OF THE CITY OF MANDEVILLE CODE OF ORDINANCES  
RELATIVE TO SWIMMING POOLS, TO AMEND SECTION 9-7 RELATIVE TO  
SWIMMING POOLS, AND TO PROVIDE FOR OTHER MATTERS IN CONNECTION  
THEREWITH**

WHEREAS: The City of Mandeville is obligated to provide for the reasonable health, safety, and welfare of its residents.

WHEREAS: The City welcomes and embraces residential swimming pools but recognizes that improperly secured or maintained swimming pools may create a health and safety hazard to neighbors and the community.

WHEREAS: For instance, the U.S. Centers for Disease Control reports that “Drowning is the number one cause of death for children ages 1 to 4” and that “drowning increased by 28% among children ages 1 to 4 in 2022 compared to 2019.”

WHEREAS: The American Academy of Pediatrics reports that “the majority of preschool-aged children drown in swimming pools” and the “primary problem for this young age group is lack of barriers to prevent unanticipated, unsupervised access to water.”

WHEREAS: The Louisiana Department of Health reports that in 2022 West Nile virus was “present in more than 175 mosquito pools this year, a number much higher than last year at this time, when 13 pools tested positive.” LDH recommends to “clean and chlorinate swimming pools that are not being used” and that “a swimming pool that is left untended by a family for a little as a month can produce enough mosquitoes to result in neighborhood-wide complaints.”

WHEREAS: The St. Tammany Mosquito Abatement District has previously stated that when a “[swimming] pool isn’t circulating because of lack of power and can’t be treated or maintained it could be a significant source of mosquitoes.”

WHEREAS: The City finds that the health, safety, and welfare of its residents are reasonably served when residential swimming pools are secured by sturdy fencing or other safety barriers and maintained in a way so as not to attract mosquitos, insects, snakes, pests, vermin, vegetation, and other disease vectors.

WHEREAS: The City finds that East Baton Rouge Parish has adopted ordinances relative to properly securing and maintaining residential swimming pools and that those ordinances would also benefit the City and its residents.

NOW, THEREFORE, BE IT ORDAINED, that Section 9-9 of the City of Mandeville Code of Ordinances is created and reads:

**Section 9-9.1 – Definitions**

As used throughout this Section 9-9 *et seq.*, the following words have the following meanings:

- (a) “Swimming pool” means any structure built of any material, whether constructed above or in the ground, designed, built, or used for the purpose of swimming, and capable of holding 18 inches or more of water.
- (b) “City Code” means the City of Mandeville Code of Ordinances.

**Section 9-9.2 – Swimming pool enclosures**

- (a) Every owner of a swimming pool must enclose the pool within a reasonably sturdy fence or wall within the time required by Section 9-9.5 of the City Code. Such a fence or wall shall also conform to the following, minimal requirements:
  - (1) The fence or wall shall be 4 feet or greater in height with no more than 2 inches of space between the ground and the bottom of the fence or wall.
  - (2) The fence or wall shall be constructed of sturdy material, shall not be broken down or destroyed, and shall be built and maintained such that no person may pass through the fence or wall except through a gate.
  - (3) The fence or wall shall have no openings greater than 4 inches diameter except by gate when opened.
  - (4) Any gate to the fence or wall, other than a gate that opens and closes to permit entry and exit to a property’s driveway or roadway, must remain closed except when a person opens and moves through the gate.
  - (5) Notwithstanding any provision of this Section to the contrary, when a wall that encloses a swimming pool is a wall of a house or other building, that wall may contain a door to enter and exit the house or building.
- (b) Every owner or lessee of a swimming pool shall reasonably maintain the pool’s fence or wall to ensure it remains complaint with this Section.

**Section 9-9.3 – Swimming pool maintenance**

- (a) Every owner or lessee of a swimming pool must maintain the pool such that the pool does not harbor or breed mosquitos, other insects, vermin, snakes, scum, film,

filth, or other vegetation. In addition, a swimming pool shall also be maintained by its owner or lessee such that the pool conforms to the following, minimum requirements:

- (1) The pool shall not collect scum, film, wastes, insects, vegetation, debris, chemicals, or other particulate to such an extent that the water is not clear enough to permit a black disk 6 inches in diameter on a white field, when placed on the bottom of the pool at the deepest point, to be clearly visible from the deck around the pool at all distances up to ten (10) yards measured from a line drawn across the pool through said disk.
  - (2) The pool shall not emit any smell or odor objectively noxious to humans.
- (b) Every owner or lessee of a swimming pool that has a maximum depth of 36 inches or deeper shall, in addition to all other requirements provided for by this Section, connect such pool to functioning mechanical equipment capable of recirculating the pool's water through one or more filters, and the owner or lessee of such a pool shall continuously recirculate the pool's water supply for at least one hour per 24-hour day.

#### Section 9-9.4 – Inspection

- (a) Any City of Mandeville Police Officer or Code Enforcement Officer may, upon reasonable suspicion of a violation of this Section, and upon reasonable notice to the property owner or lessee, enter the yard or curtilage of a property for the purpose of inspecting a swimming pool located on the property to ensure compliance with Section 9-9 *et seq.* of the City Code.
- (b) Any property owner or lessee who, after being given reasonable notice pursuant to this Section, prevents or interferes with a City of Mandeville Police Officer or Code Enforcement Officer discharging his duties pursuant to this Section shall be guilty of violating, in addition to any other applicable law or ordinance, Section 11-94 of the City Code, "Keeping a disorderly place," and sentenced as provided under Section 1-09 of the City of Mandeville Code of Ordinances.

#### Section 9-9.5 – Time for Compliance and Issuance of Permits

- (a) Any owner or lessee of a swimming pool already in existence or use on the date this Ordinance is enacted, but which is not enclosed by a fence or wall consistent with Section 9-9.2 of the City Code, shall construct such a fence or wall within 120 days from the date this Ordinance is enacted.
- (b) Any owner or lessee of a swimming pool constructed or first placed into use after the date this Ordinance is enacted shall construct a fence or wall consistent with Section 9-9.2 of the City Code no later than the earlier of (i) 30 days after the date

the swimming pool's construction is complete or (ii) the date the swimming pool is first filled with water.

- (c) Notwithstanding any provision of the City Code including its Comprehensive Land Use Regulation Ordinance to the contrary, the City of Mandeville is authorized to and shall take all reasonable steps to ensure that any permit relative to the construction or use of a swimming pool is only issued by the City in compliance with the requirements of Section 9-9 *et seq.* of the City Code.
- (d) Notwithstanding any provision of the City Code including its Comprehensive Land Use Regulation Ordinance to the contrary, neither the City of Mandeville Planning Director nor the City of Mandeville Planning Commission shall grant any exception or variance from the construction and maintenance standards provided by Section 9-9 *et seq.* of the City Code.

#### Section 9-9.6 – Enforcement

Any owner or lessee of a swimming pool who violates any provision of Section 9-9 *et seq.* of the City Code shall be guilty of violating, in addition to any other applicable law or ordinance, Section 11-94 of the City Code, “Keeping a disorderly place,” and sentenced as provided under Section 1-09 of the City Code.

BE IT FURTHER ORDAINED that Section 9-7 of the City of Mandeville Code of Ordinances is amended and reads:

- (a) It shall be unlawful for any person to keep on his premises water in any barrel, bucket, pool, hole, cistern, tank, trough or any other receptacle which would act as a breeding place for mosquitos, other insects, snakes, or other vermin. Any person who violates this Section shall be guilty of violating, in addition to any other applicable law or ordinance, Section 11-94 of the City of Mandeville Code of Ordinances, “Keeping a disorderly place,” and sentenced as provided under Section 1-09 of the City Code.
- (b) This Section does not apply to
  - (i) swimming pools as defined by Section 9-9.1 of the City Code
  - (ii) aquariums or aquatic ponds with a continuous circulating water supply.

BE IT FURTHER ORDAINED that this Ordinance shall be enacted and effective upon signature of the Mayor.

BE IT FURTHER ORDAINED that the Clerk of this Council is authorized and empowered to take any action reasonably necessary in her discretion to promulgate the provisions of this Ordinance.

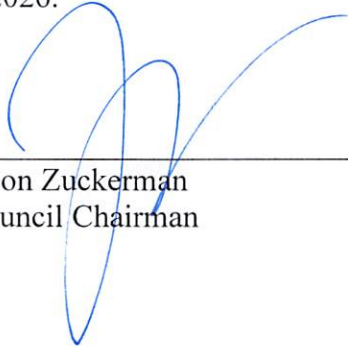
The Ordinance being submitted to a vote, the vote thereon was as follows:

AYES: Strong-Thompson, Vogeltanz, Lane, Discon, Zuckerman  
NAYS: 0  
ABSTENTIONS: 0  
ABSENT: 0

and the Ordinance was declared adopted this 11<sup>th</sup> day of June 2026.

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Alicia Watts  
Clerk of Council



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Jason Zuckerman  
Council Chairman

BE IT FURTHER ORDAINED that the Clerk of this Council is authorized and empowered to take any action reasonably necessary in her discretion to promulgate the provisions of this Ordinance.

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