



landowners' alert

DEFENSE STRATEGIES FOR PROPERTY OWNERS AND MANAGERS

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Swimming Pool Safety

By Michael D. Crow

With spring underway and summer on the horizon, many swimming pools are being prepared for seasonal use. Along with the increased use of swimming pools comes increased safety risks, most often involving children. In particular, drowning is one of our nation's leading causes of accidental death in children under five years old. Between 1990 and 2000, drowning was the second leading cause of unintentional injury death among U.S. children between 1 and 19 years of age. Among toddlers 12 to 23 months of age, drowning was the leading cause of injury and the second leading cause of death overall. Despite the statistics, reviewing and supplementing your safety procedures can prevent swimming pool tragedy. The following are guidelines for the safe operation of a swimming pool:

Supervision

Proper supervision is essential to pool safety. Children should never be left alone near water, even if accompanied by other children. When young children are in or around water, an adult should remain within arm's reach of the water. Time is of the essence. Children are known to silently slip into water without warning and in some cases tragically drown within 30 seconds. It is extremely important to remember that just because a child may know how to swim, they should not be considered "drown-proof."

Proper supervision requires actively watching the swimming pool at all times. Life preservers, although recommended, are no substitute for proper supervision. In fact, air-filled swimming aids, such as water wings, should be considered toys and not safety devices. Furthermore, you cannot properly supervise a swimming pool full of children while playing cards, mowing the lawn or talking on the telephone.

Pools are often the centerpieces of summer parties. Frequently, however, such parties result in the improper supervision of the swimming pool. Because it is easy to be distracted during social gatherings, someone must be designated to watch the pool at all times. Never "assume" someone is watching the pool. If someone unfamiliar with swimming pool safety is supervising children around your pool (i.e., a designated pool watcher or babysitter), make a special effort to illustrate and enforce the importance of proper pool supervision and what it requires.

SECRET WARDLE NOTES:

Summer and swimming pool fun go hand-in-hand. The guidelines contained in this article will assist in having a safe and enjoyable summer around the pool.

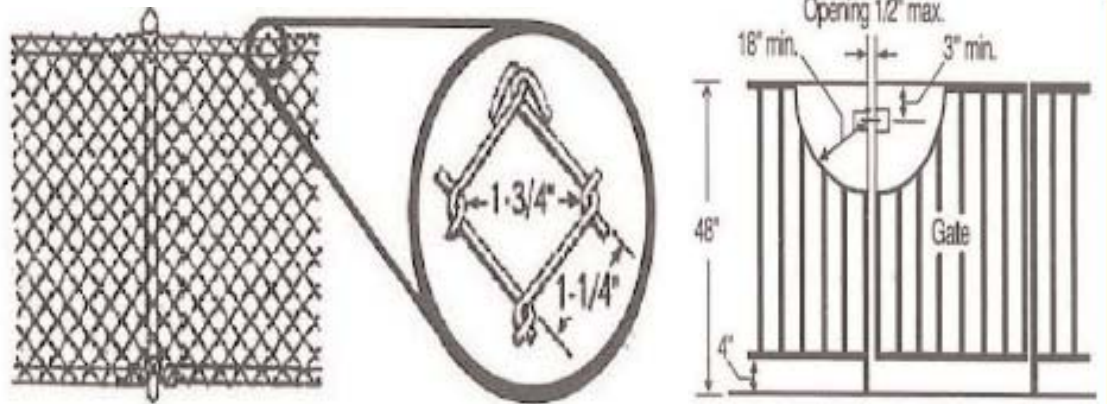
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Barricades

Swimming pool safety is also enhanced by installing barricades. A study conducted by the Consumer Product Safety Commission (CPSC), revealed that nearly seventy percent of children who were victims in swimming pool accidents were not expected to be in or at the pool, but were found drowned or submerged in the water. Not surprisingly, appropriate barriers provide an additional layer of protection against child-related swimming pool accidents.

Swimming pools should be entirely surrounded by barricades. A proper pool barrier prevents a child from getting over, under, or through and keeps the child from gaining access to the pool except when accompanied by supervising adults. The barricades typically consist of fencing and gates. Fencing should be at least four feet high, with the vertical fence slats less than four inches apart to prevent a child from squeezing through. Gates should be self-closing and the latch to open the gate should not be accessible to young children. Sample fence and gate construction is illustrated below.

Homes often open onto pool decks. If a home forms a portion of the pool barrier, any door leading from the house to the pool area should be equipped with an alarm to signal someone opening the door into the pool area. For above ground pools, in which the structure acts as a barrier in itself, all ladders



should either be removed when the pool is not in use or “locked off” so the ladder cannot be used. As an additional safety measure and a last line of defense, all swimming pools should also be protected with a safety cover over the pool. Motor powered safety covers are available and make opening and closing the cover relatively easy.

Finally, one should always remove toys from around the pool area when the pool is not in use. Toys will not only lure youngsters into the pool area, but can also provide children the necessary “tools” to climb over a pool’s fence or gate.

Although barriers are not childproof, they provide additional layers of protection for children who stray from supervision. Properly barricading the pool is an essential element of swimming pool safety.

Lifeguards

Properly trained and dedicated lifeguards are the greatest enforcers of swimming pool safety. However, it is unlikely that a homeowner will employ a full-time lifeguard. In fact, under Michigan law, lifeguards are only required when the swimming pool is owned and operated by a governmental entity (city or school), where the surface area of the pool is greater than 2,400 sq. ft. or when a diving board is present. As a cost saving measure, most pools are specifically designed so as not to require a lifeguard. Consequently, one should **never** “assume” a lifeguard will be present to supervise the pool area. To the contrary, one should always assume a lifeguard will not be present. Moreover, property owners should inform their guests no lifeguard is present.

Pool Maintenance

To be safe, a swimming pool must always be properly maintained. Ladders should be properly attached and in good working order. The proper cleaning of a swimming pool is also important to swimming pool safety. A clean pool not only negates the spread of disease, but also prevents cloudy water which could inhibit one’s ability to see the bottom of the pool to supervise swimmers under the surface. A clean, clear pool will make it easier to recognize when a swimmer is in distress.

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Miscellaneous

In addition to the tips above, owners of safe swimming pools should follow these rules:

No swimming alone. Always enforce the buddy system.

No food or drink. Do not allow people to drink, eat food or chew gum while in the swimming pool. Food and drink can cause swimmers to choke and lead to drowning.

No alcohol. Alcohol and swimming do not mix. Alcohol use is involved in up to half of adolescent and adult deaths associated with water recreation. Alcohol influences balance, coordination, and judgment, and its effects are heightened by sun exposure and heat.

No diving. Do not allow diving in water less than five feet deep.

Observe capacity limits. The more crowded the pool, the more difficult it is to determine when someone is missing or under the surface of the water.

Contractual Indemnity

Hopefully, this article will assist in avoiding swimming pool accidents. In the event that an accident does occur, however, it is always important for landowners to insulate themselves from liability. To do so, a landowner can utilize indemnity and hold harmless agreements with its swimming pool guests. Such agreements will at least offer some protection against financial exposure arising from a swimming pool accident.

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