



Lexington Square Homeowners Association

Whereas, LSHA sought the opinion of both a lawyer and a judge, and both indicated that in a court battle, public safety will always win over aesthetic concerns;

Whereas, a strong case could be made that higher pool fence height is a public safety issue;

Whereas, both the lawyer and judge's reviews emphasized that issues of like status must be treated consistently for all homeowners, preventing a special waiver that would only apply to certain homeowners;

Whereas, a pool fence may be made a distinct category of fencing to be distinguished from all other fencing a homeowner may wish to construct;

Whereas, Canton ordinance 17.031 3.1 (a subsection of Canton Pool Ordinance No. 110) provides that pool fences must be no less than four feet and no more than six feet, providing a fence height limit that would be enforced with township dollars, rather than LSHA resources;

Whereas, the following facts are submitted into evidence:

- 300 children under 5 nationwide drown in swimming pools... In addition, 2,000 children in that age group are treated in emergency rooms for submersion injuries. [www.cpsc.org]
- One-third of drownings take place in a friend, neighbor or relative's pool; Over 60% take place in at the child's home swimming pool. [www.cpsc.org]
- The Consumer Product Safety Commission lists a 4 foot fence as the *minimum* height necessary to protect against drownings. [www.cpsc.org]
- Drowning is the third leading cause of injury death in Michigan [www.keepingkidsalive.org]
- Nationally, more than 85% of drownings among children ages 1-4 are pool-related [www.keepingkidsalive.org]
- The National Resource Center for Health and Safety in Child Care recommends a minimum fence height of 5 feet. [http://nrc.uchsc.edu/]

SOURCES:

- "How to Plan for the Unexpected: Preventing Child Drownings" – U.S. Consumer Product Safety Commission, Publication No. 359
- "Safety Barrier Guidelines for Home Pools" – U.S. Consumer Product Safety Commission, Publication No. 362
- www.keepingkidsalive.org
- http://nrc.uchsc.edu/

Whereas, we as a Homeowners Association do not wish to prevent a parent or homeowner from securing, within reason, a pool environment that protects their children;

The Board of Directors hereby proposes that the LSHA board expressly indicate that in the interest of public safety, it does not intend to enforce fence height restrictions listed in paragraph 15 of the Homeowner's Restrictions document for in-ground or permanent above ground pools



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existing as of 11/20/02 (notably, but not exclusively, Lot No. 26 and Lot No. 101), provided that the fence exists to protect the pool, meets the Charter Township of Canton Pool Ordinance, No. 110, and is approved by the architecture committee. All homeowners wishing to construct future pool fences should provide plans to the board per Association guidelines.

Accepted this 20th day of November, 2002 by a unanimous vote of the Board of Directors.