

POOL LIABILITY PREVENTION TIPS

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- ▶ In Mississippi, swimming pools are not considered to be “attractive nuisances.”
- ▶ Mississippi premises liability law has three categories of people to whom landowners owe duties - invitees, licensees, and trespassers.
- ▶ If you’re not collecting money from people using your pool, then anyone who is using your pool is probably a social guest, which falls into the licensee category. People who use your pool without your express or implied permission would be characterized as trespassers.
- ▶ With guests, pool owners need to refrain from wilfully or wantonly injuring the guest. That means that the pool owner must not consciously disregard a known, serious danger. An example might be a situation where a pool owner knows that there is a large hole in the decking around the pool, knows that people could fall in it and hurt themselves, and yet does nothing to prevent people from falling into it. In other words, extreme negligence.
- ▶ The most important thing for pool owners to remember is that they want everyone using the pool to be safe, and to have a good time. Whether someone might be liable for a pool accident is really secondary when you’re talking about a child drowning. So first, let’s make sure that we try to prevent pool accidents.
- ▶ Some common sense approaches to managing pool liability:
 - Check with your insurance agent to make sure that you have insurance that covers pools and any possible accidents that could occur in regards to the pool. Make sure that the amount of coverage is enough to protect you in case of an accident. \$1 million is the recommended minimum.
 - Surround your pool with fencing and a lockable gate to prevent unauthorized swimming. Then, lock the gate when you don’t want the pool to be used by children, such as times when you can’t supervise the swimming. The City of Columbus requires fences around pools.
 - Never leave children unattended in or near a pool. It only takes a few seconds for a child to drown. Always have a supervisor at the pool when children are swimming, and require that guests supervise their children when visiting. When done using the pool, clear out all pool toys so that children are not tempted by them.

- Make sure that approved life saving devices are kept nearby and in good condition, including throwable life preserver rings.
- Install approved drain covers and anti-entrapment protection devices to prevent drain entrapment - both for pools and hot tubs. Drain entrapment is where a swimmer becomes trapped by a pool drain's suction - which often results in drowning. Drain covers should be domed to prevent arms, legs, and even hair from stopping up the drain and creating an unbreakable suction.
- One anti-entrapment system is known as a safety vacuum release system. These products are designed to let air into the system or power down the pump when they sense excessive vacuum buildup. Many new pools will already have these devices. However, a number of manufacturers make after-market products that can be installed on existing pools or spas. They are relatively easy to install, and cost about \$500 to \$1,000.
- Remove diving boards. Depending on the design of the pool, diving boards allow swimmers to dive into the pool at a greater distance and angle than normal. This increases the potential for the swimmer to strike his or her head on the bottom of the pool - especially where the pool bottom slopes from the deep end to the shallow end.
- Do not allow rough horseplay or running around the pool.
- Consider installing a pool cover to cover the pool when it is not in use.
- Consider installing a pool alarm that will alert you when the surface of the pool has been disrupted.