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To: Office of the Mayor

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Subject: Four Sided Fence Proposal - Wednesdays Vote

Distinguished Mayor and Councillors,

This is a long read and apologies for this, but i hope each of you take the time to read through this fully before the vote.

I am one of the representatives of Pioneer Family Pools in the Hamilton area, and have been following and participating in all of the public discussions leading up to Wednesdays vote. While we on the design team for new pools in the area ALWAYS discuss four sided fence options with our clients on every project, whether it be implemented during the initial construction process, or leaving the ability for it to be constructed easily in the design at a later date if a homeowner sells a property to someone in the future with little kids, the fundamental basis of our approach on every project with kids in the residence is SUPERVISION. We hand out pool safety literature to every client purchasing a pool (made available to Mr Caetano if the city wished to also give these out with every permit issued – a great idea), discuss barriers, alarms, locks, swimming lessons, and ways to safely secure the area, but the largest stressed factor to every parent is that NOTHING BEATS SUPERVISION, NOTHING.

I appreciate every one of you looking into this issue. I am just afraid as a citizen, and parent, that we are missing the main goal of supervision here. Numerous numerous clients/parents have stated to me, that if a four sided fence ruling is voted in and they put one between the house and the pool, they would be **LESS LIKELY TO SUPERVISE** their loved ones/children in the backyard. I am afraid where this would lead if this vote went through. I dont want to sound insensitive to the issue, but when my son was 2-1/2 years old, he could push chairs and furniture around and climb over 5' tall barriers, unlock chains on doors, gate latches etc etc. Unsupervised he would be out the front door running on the street. I am curious on statistics of children hit on the road in front of their homes, if a gate should be mandated for the front doors now. Or statistics on bathtub drownings, and if we should limit all new construction to showers only. Or will this vote lead to the idea of homeowners not being able to have light or moveable patio furniture in the rear yard, which could facilitate movement and children being able to push and climb over them into the pool area. If balcony railings are only needed to be 3'6" tall, as another person had stated, why should this pool barrier be 5' tall. The higher it is placed, the further a child who tries to climb over it will fall, which would typically be on a hard surfaced pool patio. Many clients do not have children or have children who are teenagers or full grown, without the need for this fencing, and it really isnt fair to have a new homeowner install a four sided fence with no children, or

while his neighbour with young children and an existing pool does not need to do this. This new proposal will make homeowners less appreciative of supervision, and I don't like where that could lead..

Whether this proposal is passed or not, I am hoping the city will follow the direction Ottawa and London have undertaken with **PUBLIC AWARENESS CAMPAIGNS** that have been shown to work in those cities over the years. When faced with this decision, both cities agreed to work with local health units, city officials, the Pool and Hot Tub Council of Canada, and local pool companies on these awareness campaigns, literature (at time of permit as well) billboards, radio, in movie theatres etc as the best approach to safety. This is the best form of awareness, and would bolster the idea of supervision, and show that the city of Hamilton cares! Reminders that supervision is the number one priority to prevent accidents, and to check that your fencing is up to date and in good working order, and that your spring gates are functional and working during these campaigns would be the best reminder to citizens to keep their yard safe. The majority of accidents in pool settings in Ontario and the immediate area have been through faulty or non conforming gates (McMaster study and coroners report for example). Does another gate really make sense then? Especially if it is unsupervised and left in disrepair. Or would a yearly reminder to citizens to make sure everything is in good working order to keep everyone safe, promoting supervision, not be a better way to go about this? I believe so and hope that some of you agree as well.

My best friend was hit and killed driving a motorcycle a few years ago. I have personally vowed never to ride one again, but I could not foresee us banning all motorcycles municipally because of this incident and others like this, or forcing governors to limit all speed on motorcycles in the Hamilton area, or designated motorcycle lanes, or forcing riders to wear full safety gear (full body helmets for example). Instead, awareness campaigns would make more sense – drive safe, respect other drivers, slow down. Just as awareness campaigns would be a better idea for swimming pools – supervise, maintain fencing and gates, teach your children to swim etc etc.

I have a friend on the mountain with no kids, no plans for kids, and he asked me if this goes through, would it not be akin to having him install child safety locks on his cupboards storing dangerous chemicals, in case a child ever visited his house and could get into them. I guess the question is if this passes, where does it end. The choice of a swimming pool in a backyard setting is a lifestyle choice. Homeowners without kids don't find putting a safety fence around a pool is fair or meets their lifestyle, just as asking people not to ride motorbikes because it is dangerous is fair to those who enjoy the lifestyle of a motorcycle.

I took a half hour today to peruse some online articles with respect to four sided fencing in areas such as Australia that have passed this throughout the world. Below are some quotes from some of these articles, which are pertinent to our situation and decision here today, and all talk of faulty gates and supervision. These are a must read for anyone voting on Wednesday. Australia has passed this four sided fence ruling, and the results I am seeing are less than stellar. Phoenix Arizona passed a ruling where a family with small children had to do at least ONE of the following, whichever met their

needs and lifestyle for safety the best, to pass swimming pool inspection – four sided fence, pool alarm, alarm on the openings to the pool area, second gate at the rear door, safety locks on the rear door and/or gates, etc. This idea is brilliant, as it allows homeowners to CHOOSE which safety measure would work best for them, and get them focused on safety, then just stating “do a four sided fence and you will be ok”, as people forced into safety without choices are not necessarily as obliged to abide by it. Will homeowners ensure it is kept in working fashion if forced to do so, or are they more likely to maintain safety measures when given the choice of what would be most effective for their particular setting..

From Australian articles, news reports, and child safety awareness groups:

-Early reports of a 50% decrease in the number of pool drownings following pool fencing laws in Arizona were encouraging, however toddler drowning rates have not changed in New Zealand, Australia and the USA.

-Many children who have drowned in backyard pools did so because pool gates were left open or they were unsupervised by parents

-Too much trust was being placed in fences, Mr Dunn said, and more should be done to teach children to swim and educate parents on the need to supervise children near the pool .

He recently saw a three-year-old shimmy up and over a regulation fence and into a pool's enclosure in 22 seconds.

"What's missing [in the debate] ... is nothing is said about a parent's responsibility to look after their children."

-Australia has the second worst record in the world for preventable toddler drowning. This is a record that we are not proud of. Inadequate supervision is the most significant factor that contributes to a young child drowning.

-Constant adult supervision means ensuring you can see your child all the time and are close to them. Keeping a close watch on your child when they are around water is the most effective way to prevent drowning.

-A survey by CHOICE found that over half of all Australian pool fences tested failed to meet a key safety aspect of the Australian Standard for pool fencing. It is essential to maintain the pool fence in good working order.

-Security of the gate to the swimming pool was a big problem. In some cases, the safety latch on the gate was broken, in others the gate was left open, and in some instances the child had stacked up chairs/toys to climb over the gate.

Stats from an American study:

-Participation in formal swimming lessons can reduce the risk of drowning by 88% among children ages 1-4.

WHO (World Health Organization) website:

-In the United Kingdom, children are more likely to drown in natural water bodies (sea, lakes, etc.) than in swimming pools, although pools still account for a substantial proportion of drowning

-Among children, lapses in parental supervision are the most frequently cited contributory factor (Quan et al., 1989), although alcohol consumption by the parent or guardian may also play a role in the lapse of supervision (Petridou, 2005).

-Browne et al. (2003) examined the means of access of young children involved in domestic swimming pool drownings. The following were found to be the most common:

- open or unlocked gate or ineffective latch;
- no fence, no separate fence (completely enclosing the pool area) or fence in disrepair

-In Australia, a similar study found that more than half of the children studied drowned in unfenced or unsecured pools and hot tubs. Where children gained access to fenced pools, most did so through faulty or inadequate gates or through gates that were propped open. Access has also infrequently been as a result of climbing onto objects next to the pool fence.

New South Wales stats on child drowning:

https://www.ombo.nsw.gov.au/_data/assets/pdf_file/0010/27667/Drowning-deaths-of-children-private-swimming-pools-20072014.pdf

(shows that supervision is the key missing ingredient in most if not all cases)

There is a common theme in these reports and quotes above, that we are overlooking.

I wanted to write in today to give feedback to all of you on this vote, the pros and cons, and what would actually work best for our community in the end. Mr Caetano told us at the last public meeting that we could not speak to the planning committee. When I asked him if it would be a fair presentation by him he ensured me it would (all of the emails and feedback he received were against the proposal, stats showed it wasn't a great idea in the long run, the ladies from the McMaster study agreed that a four sided fence wasn't an end all be all to this situation, the coroners interviewed were not aware at the time of their study that faulty gates were the number one reason for accidents in pool settings, etc etc).

Being the person pushing the hardest for this bylaw change, I didn't feel it fair that he presented the pros and cons from both sides on the issue to planning. He told us no one could attend, and I am hearing now that that was not actually the case? If not, then maybe this issue should go back to planning if it was railroaded from the get go. I am not sure and will leave these decisions to all of you, our trusted advisors and representatives for the area. I just feel we may be passing over the most important issue in this entire endeavour, that of supervision, and there are better ways we can go about this together and as a community than enforcing a nanny state protocol, that we

know many will not abide by, care for, or keep up in good working order if forced into the situation.

Thank you all for your time, and I hope to see you all Wednesday! (what time is the meeting just for reference?)

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