

LEGAL AND RISK CONSIDERATIONS

LEGAL CONSIDERATIONS

Skating and biking are risky activities. The Legal Department was asked to comment on the City's exposure to liability, in the event that publicly supported facilities were built. A copy of the written opinion is included in Appendix IV.

● KEY POINTS

The creation of skateboard parks invokes...possible City tort liability in the area of premises liability. City responsibilities include:

- Maintenance of the premises in a safe condition including:
 - Reasonable inspection of the facilities;
 - Preventative maintenance; and
 - Timely remedy of dangerous conditions.
- Anticipation of needs that may arise.
- Prudent consideration of the impact of a skatepark on existing City facilities, especially if the impact triggers the need to increase maintenance.

● MAINTENANCE

- In order to minimize the exposure to liability litigation it will be essential that there be a **budget for regular maintenance** of the skatepark and associated equipment.

RISK MANAGEMENT CONSIDERATIONS

It is recommended that Risk Management be involved in all aspects of the planning and design of skatepark facilities. In Arvada, Golden, and Fort Collins, Colorado, the height of half and quarter-pipes was kept to 6' or lower based on advice from their risk managers.

In many jurisdictions a decision was made to build "skate at your own risk" facilities, based on the advice of their risk managers. In these locations, signs have been posted requiring or recommending the use of safety equipment. For example the supervised facility in Boulder requires:

- Skateboarders: Helmets, knee pads and elbow pads
- In-Line Skaters: Helmets, knee and elbow pads, and wrist guards.
- BMX Bikers: Helmets, knee pads and elbow pads.

In addition, many jurisdictions include prohibitions against skating in inclement weather and some prohibit BMX bikes altogether.