



AN ORDINANCE FOR THE REGULATION OF HAZARDOUS RECREATIONAL ACTIVITIES

WHEREAS, the Town of Pine Level desires to establish a skate park for the recreational benefit of Pine Level citizens, including youth as well as adults, and finds that the establishment thereof serves the general welfare of the public as a whole; and

WHEREAS, while the town will provide general security for and oversight of any skate park it establishes, it does not intend to directly supervise said park on a continuous and regular basis; and

WHEREAS, NCGS Chapter 99E-23 requires governmental entities that operate skate parks without direct, regular supervision to adopt a local ordinance requiring all persons using skate parks to wear a helmet, elbow pads, and kneepads at all times while skateboarding, inline skating or freestyle bicycling in a government-owned or operated skateboarding facility; and

WHEREAS, the town finds that such recreational activities may pose hazards to life and limb; however, under NCGS Chapter 99E-25, if the town adopts such an ordinance and complies with other provisions of Article 3 of Chapter 99E, as enacted during the 2003 Session of the North Carolina General Assembly, the town shall not be liable to any person who voluntarily uses the skate park and is injured thereon; and

WHEREAS, the town further finds that the creation and enforcement of certain regulations with regards to a skate park will afford a greater degree of safety and protection for persons engaging in such activities, and the town desires to limit potential liability and to ensure such protection for itself in the interest of general public health, safety and welfare; and

NOW THEREFORE BE IT ORDAINED by the Board of Commissioners of the Town of Pine Level, North Carolina, that in furtherance of this purpose and in accordance with provisions of said legislation, the following provisions shall be adopted and known as the Hazardous Recreational Activities Ordinance:

"SKATE PARKS"

SECTION 1. DEFINITIONS

For the purpose of this ordinance, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

A. HAZARDOUS RECREATIONAL ACTIVITY. Skateboarding, inline skating, or freestyle bicycling.

B. INHERENT RISK. Those dangers or conditions that are characteristic of, intrinsic to, or an integral part of skateboarding, inline skating, and freestyle bicycling.

C. PARTICIPANT. A person engaged in a hazardous recreational activity at a skate park.

D. SKATE PARK. A facility established on town-owned property that is designed for the purpose of engaging in hazardous recreational activities, and that is specifically designated by the town for such use.

E. TOWN. The Town of Pine Level, North Carolina.

SECTION 2. REGULATION OF SKATE PARKS.

A. All users of a skate park must wear a helmet, elbow pads, and kneepads at all times while engaging in hazardous recreational activities.

B. Any person who observes, participates in or assists in hazardous recreational activities assumes the known and unknown inherent risks in these activities, irrespective of age, and is legally responsible for all damages, injury, or death to himself or herself or other persons or property that result from these activities.

C. While engaged in hazardous recreational activities, irrespective of where such activities occur, a participant is responsible for doing all of the following:

(1) Acting within the limits of the participant's ability and the purpose and design of the equipment used.

(2) Maintaining control of the participant's person and equipment used.

(3) Refraining from acting in any manner that may cause or contribute to death or injury of the participant or other persons or property.

D. The town shall not be required to furnish any supervision of skateboarding activities, and a participant shall act at his or her own risk.

E. No person may consume any food or drink in the designated skating area at a skate park.

F. No person may possess or consume any alcoholic beverages, controlled substances, or tobacco products at a skate park.

G. No person may use, wear, possess, or display any lewd, indecent, or obscene gear, clothing items, publications, or other materials at a skate park.

H. The town may post such additional rules as the town determines to be appropriate.

Failure to comply with the requirements of this subsection shall constitute negligence.

SECTION 3. NOTICE.

The town shall post signs at all skate parks that afford reasonable notice to all users of the following:

A. Any person engaged in a hazardous recreational activity at the skate park must wear a helmet, elbow pads, and kneepads at all times.

B. The town does not provide regular supervision of the skate park.

C. Users of the skate park assume all risks associated with the use of the skate park.

D. Failure to comply with these requirements for use may subject the violator to sanctions as provided under this chapter.

The signs required herein shall be posted at all skate parks in prominent locations that may be readily viewed by users of the skate parks.

SECTION 4. SANCTIONS.

In addition to any other penalties provided for in the town's ordinances, any person who violates the provisions of this ordinance may be subject to sanctions imposed by the Town of Pine Level, including, but not limited to, suspension or permanent revocation of the privilege to use the skate park and assessment for the full costs of any damages to the skate park caused by the person.

SECTION 5. TOWN IMMUNE FROM LIABILITY.

The town, including its officials, employees and agents, shall not be liable to any person who voluntarily participates in hazardous recreational activities, for any damage or injury to property or persons, that arises out of the person's participation in the activity and that takes place at a skate park.

SECTION 6. HOURS OF OPERATION.

All skate parks shall close from sundown until sunrise unless specific authorization is given by the Town of Pine Level. It shall be unlawful for any person to be present on the premises

of such parks and recreation facilities outside of the posted normal hours of operation, except for town employees conducting town business thereon and for emergency personnel and law enforcement personnel on official business.

SECTION 7. SEVERABILITY.

If any section or part of this ordinance should be held invalid for any reason, such determination shall not affect the remaining sections or parts, and to that end the provisions of this ordinance are hereby declared severable.

SECTION 8. EFFECTIVE DATE.

This ordinance shall become effective upon the date of its adoption by the Board of Commissioners of the Town of Pine Level.

Adopted This 18th Day of September, 2006

Jeff Holt, Mayor

Attest:

Sharon Thompson, Town Clerk