

ORDINANCE NO. 59

RESOLUTION ADOPTING AN ORDINANCE FOR PERQUIMANS COUNTY TO ESTABLISH RULES FOR PUBLIC SKATEBOARD PARK FACILITIES

WHEREAS, Perquimans County desires to establish one or more skateboard parks for the recreational benefits of Perquimans County's citizens, and finds that the establishment of such parks serves the general welfare of the public as a whole; and

WHEREAS, while the County will provide general security for and oversight of any skateboard parks it establishes, it does not intend to directly supervise these parks on a continuous and regular basis; and

WHEREAS, North Carolina General Statute § 99E-23 requires governmental entities that operate skateboard parks without direct, regular supervision to adopt a local ordinance requiring all persons using skateboard 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 skateboard facility; and

WHEREAS, under North Carolina General Statute § 99E-25, if the County adopts such an ordinance and complies with the other provisions of Article 3 of Chapter 99E, the County shall not be liable to any person who voluntarily uses the skateboard park and is injured thereon; and

WHEREAS, the County desires to ensure such protection for itself in the interest of general public health, safety, and welfare.

NOW THEREFORE, BE IT RESOLVED that the Perquimans County Board of Commissioners hereby adopts Ordinance #59 to read as follows:

SKATEBOARD PARKS ORDINANCE

Section I. DEFINITIONS.

For the purpose of this chapter, 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) SKATEBOARD PARK. A facility established on County-owned property which is designed for the purpose of engaging in hazardous recreational activities, and which is specifically designated by the County for such use.

Section II. RESPONSIBILITIES OF USERS.

(A) All users of a skateboard park shall 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 his or her ability and the purpose and design of the equipment used.
- (2) Maintaining control of his or her person and equipment used.
- (3) Refraining from acting in any manner that may cause or contribute to death or injury of himself or herself or other persons or property. Failure to comply with the requirements of this subsection shall constitute negligence.

Section III. NOTICE.

(A) The County shall post signs at all skateboard parks that afford reasonable notice to all users of the following:

- (1) Any person engaged in a hazardous recreational activity at the skateboard park must wear a helmet, elbow pads, and kneepads at all times;
- (2) The County does not provide regular supervision of the skateboard park;
- (3) Users of the skateboard park assume all risks associated with the use of the skateboard park; and
- (4) Failure to comply with these requirements for use may subject the violator to a misdemeanor charge with punishment in accordance with N.C.G.S. 14-4.

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

Section IV. PENALTIES

Any person who violates this ordinance shall be guilty of a misdemeanor and subject to prosecution, and if convicted, shall be punished in accordance with the provisions of North Carolina General Statutes, Section 14-4.

Section V. SANCTIONS.

In addition to any other penalties provided for in this Ordinance, any person who violates the provisions of this chapter may be subject to sanctions imposed by the Perquimans County Department of Parks and Recreation including, but not limited to, suspension or permanent revocation of the privilege to use the skateboard park and assessment for the full costs of any damages to the skateboard park caused by the person.

Section VI. COUNTY IMMUNE FROM LIABILITY.

The County, 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 skateboard park.

Section VI. HOURS OF OPERATION.

All skateboard parks shall be closed from sunset until 8a.m. the following day unless specific authorization is given by the Director of the Perquimans County Department of Parks and Recreation. It shall be unlawful for any person to be present on the premises of such park and recreation facilities outside of the posted normal hours of operation, except for county employees conducting county business thereon and for emergency personnel and law enforcement personnel on official business.

This ordinance shall take effect upon its adoption.

Adopted this 1st day of December, 2008.

Mary P. Hunnicutt
Mary Hunnicutt, Clerk to the Board

Mack E. Nixon
Chairman, Perquimans County
Board of Commissioners