



# ORDINANCE

## Amending Article VII – Recreation, Section 3-49.a Skateboard Park Regulations

The Hillsborough Board of Commissioners ordains:

**Section 1.** The Code of Ordinances shall be amended by adding the following Section 3-49.a, Skateboard Park Regulations.

### **Section 3-49.a. Skateboard Park Regulations**

#### **1. Definitions.**

The following definitions apply to this section:

- (a) *Hazardous recreational activity*: Skateboarding, inline skating, or freestyle bicycling.
- (b) *Inherent risk*: Dangers or conditions that are characteristic or intrinsic to, or an integral part of skateboarding, inline skating, and freestyle bicycling.
- (c) *Skateboard Park*: A facility established on town-owned property which is designed for the purpose of engaging in hazardous recreational activities, and which is specifically designed by the town for such use.

#### **2. Responsibilities of the User.**

- (a) All users of the skateboard park shall wear a helmet, elbow pads, and knee pads 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 results 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:
  - (i) Acting within the limits of his or her ability and the purpose and design of the equipment used.
  - (ii) Maintaining control of his or her person and equipment used.
  - (iii) Refrain from acting in any manner that may cause or contribute to death or injury of himself or herself or other persons or property.
  - (v) Failure to comply with the requirements of this section shall constitute negligence as provided in North Carolina General Statute 99E-24 c.

#### **3. Notice.**

The town shall post signage at its skateboard park, affording reasonable notice to all users, as follows:

- (a) Any person engaged in hazardous recreational activity at the skateboard park must wear a helmet, elbow pads, and kneepads at all times.
- (b) The town does not provide regular supervision of the skateboard park.
- (c) Users of the skateboard park assume all risks associated with the use of the skateboard park, and
- (d) Failure to comply with these requirements for use may subject the violator to sanctions as provided in this ordinance.

4. **Sanctions.**

In addition to any other penalties stated in the Town Code of Ordinances, any person who violates the provisions of this section may be subject to sanctions imposed by the town, including, but not limited to, suspension or permanent revocation of the privilege to use the skateboard park and assessment for the full cost of any damage to the skateboard park caused by the person.

5. **Town immune from liability.**

The Town of Hillsborough, 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 the person's participation in the activity and that takes place at a skateboard park.

6. **Hours of Operation.**

It shall be unlawful for any person to unlawful for any person to be present on the premises of the town's skateboard park and recreation facility outside the posted normal hours of operation, except for town employees or contractors conducting town business thereon and for emergency and law enforcement personal on official business.

**Section 2.** All provisions of any town ordinance in conflict with this ordinance are repealed.

**Section 3.** This ordinance shall become effective upon adoption.

The foregoing ordinance having been submitted to a vote, received the following vote and was duly adopted this 12<sup>th</sup> day of August in the year 2024.

Ayes:

Noes:

Absent or excused:

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Sarah E. Kimrey, Town Clerk