

 <p style="text-align: center;"><b>Council Communication</b> Office of the City Manager</p>	<b>Date:</b> September 9, 2013
	<b>Agenda Item No.</b> 39 <b>Roll Call No.</b> <u>13-1416</u> <b>Communication No.</b> <u>13-466</u> <b>Submitted by:</b> Benjamin R. Page, Park and Recreation Director

**AGENDA HEADING:**

Approving an amendment to Chapter 74 of the Municipal Code regarding winter recreational activities at parks and golf courses.

**SYNOPSIS:**

Approval of an amendment to Chapter 74 of the Municipal Code through the addition of Section 74-117, which will enact policies regarding sledding and cross-country skiing at parks and golf courses as well as skating on ponds in parks, man-made ice rinks, and designated ponds in golf courses.

**FISCAL IMPACT: NONE**

**ADDITIONAL INFORMATION:**

Although the public has traditionally utilized City property for winter recreational activities, in particular at its golf courses, parks, and ponds, the City has not and does not now have adequate funding and resources to provide supervision, inspection, or grooming of hills used by the public for sledding in City parks and golf courses, ponds and temporary ice rinks used by the public for ice skating in City parks and golf courses, and open areas used by the public for cross-country skiing trails in City parks and golf courses. As a result of the City’s inability to fund the grooming or supervision of land and frozen pond surfaces, such surfaces may become uneven and may contain bumps, dips, ramps, ice, or thinning ice, trees and other hard and fixed objects in close proximity to sledding, ice skating, cross-country skiing, and other areas. Although these activities are inherently dangerous, there are no comprehensive policies or ordinances in place regarding winter recreational activities. Due to recent sledding injury lawsuits that have occurred against municipal agencies in Iowa and other areas of the nation, Parks and Recreation and Legal Department staff felt it was in the best interest of the City to develop a comprehensive ordinance regarding all winter recreational activities occurring on or in municipal parkland and facilities.

The City’s extensive parks system, coupled with limited manpower and resources make it impossible to monitor these winter recreational activities. However, signage relating to the public’s risk in sledding, ice skating, and cross-country skiing can be placed near areas most used for these activities on municipal property. As indicated in the proposed ordinance, through posted signage, the City of Des Moines intends to notify the public that it will not be held responsible for any personal injury or property damages resulting from winter recreational activities and that participants do so at their own risk; nonetheless, the City acknowledges that the public wishes to engage in sledding, ice skating, and cross-country skiing, and therefore the Park and Recreation Department will allow these winter activities on park and golf course property as follows:

- Sledding is allowed in areas and during times designated by the park and recreation director at municipal golf courses and at city parks; and
- Ice skating is allowed at designated temporary ice rinks at designated municipal golf courses determined by the director during times also determined by the director; the same will be the case for ponds within parks; and
- Cross-country skiing is allowed, except on tees and greens, at municipal golf courses designated by the park and recreation director during the times designated by him/her and at city parks.

Winter recreational activities, including skating, sledding, ice fishing, and cross-country skiing, will not be permitted in or on the water or ice of Gray's Lake.

**PREVIOUS COUNCIL ACTION(S): NONE**

**BOARD/COMMISSION ACTION(S):**

Board: Park and Recreation Board

Date: August 27, 2013

Resolution Number: 13-064

Action: Approved recommendation to Council to approve an ordinance on winter activities at parks and golf courses.

**ANTICIPATED ACTIONS AND FUTURE COMMITMENTS: NONE**

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