

**TO:** The Honorable Mayor and City Council Members

**FROM:** Michael C. Van Milligen, City Manager

**SUBJECT:** Proposed Ordinance Prohibiting Sledding, Downhill Skiing, Snowboarding or Tobogganing Except in Designated Areas of Certain Parks

**DATE:** December 9, 2014

City Attorney Barry Lindahl and Leisure Services Manager Marie Ware recommend City Council approval of an ordinance prohibiting sledding, downhill skiing, snowboarding or tobogganing on City property except in designated areas of certain parks.

Sledding is a time honored tradition in cities that have hills. Sledding is a risky activity. Skateboarding is also a risky activity. What is different between the two is that the Iowa Code § 670.4 grants immunity to cities for skateboarding, inline skating, bicycling, unicycling, scootering, river rafting, canoeing and kayaking, but it does not for sledding and other associated winter activities.

In addition to Iowa Code § 670.4, which does not grant cities immunity for sledding, Iowa Code Chapter 461C, Iowa recreational use statute, which grants immunity to property owners who open up their land for recreational uses, does not apply to municipalities. Thus, the City of Dubuque has no immunity for sledding activities.

The City has made this an issue on the state legislative platform. Last year a bill was passed by the Iowa House but did not get any further. The City will be active in supporting legislation to add immunity for sledding and associated winter activities.

Currently the City of Dubuque does not have any ordinances which address sledding, downhill skiing, snowboarding or tobogganing on City property.

The two most popular sledding hills are Bunker Hill Golf Course sled hill for older sledders and Allison-Henderson Park which is enjoyed by younger sledders.

The attached ordinance drafted by the City Attorney's Office designates these two areas for sledding in the City of Dubuque. There may be other areas that could and should be added at a later time. The public can request that other areas to be reviewed for potential addition.

The Park and Recreation Commission voted 6-1 in favor of recommending the ordinance to the City Council.

I concur with the recommendation and respectfully request Mayor and City Council approval.

  
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Michael C. Van Milligen

MCVM:jh  
Attachment

cc: Barry Lindahl, City Attorney  
Cindy Steinhauser, Assistant City Manager  
Teri Goodmann, Assistant City Manager  
Marie L. Ware, Leisure Services Manager