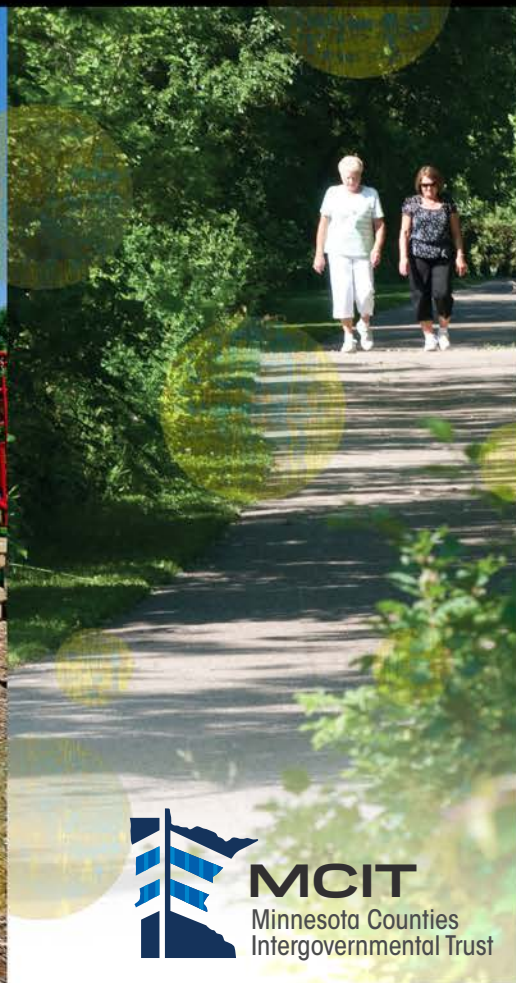


Parks And Recreation LOSS PREVENTION BEST PRACTICES GUIDE



MCIT
Minnesota Counties
Intergovernmental Trust



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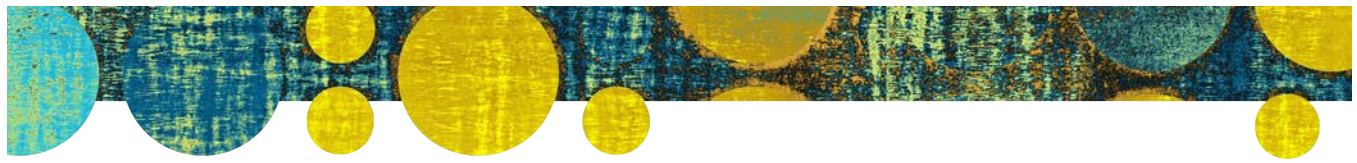


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This manual is intended for general information purposes only and should not be construed as legal or coverage advice on any specific matter. The appropriate experts should be consulted when making decisions regarding the information provided in this guide.

This resource contains references to various Internet sites. MCIT does not take responsibility for the information or content contained in those sites, nor does it exercise any control thereof. Questions concerning this guide should be directed to the MCIT Risk Control Manager at 1.866.547.6516.

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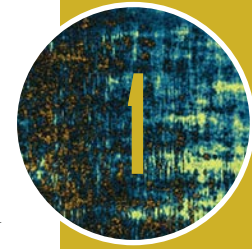
Special thanks to Three Rivers Park District for sharing its photography for use in this guide.

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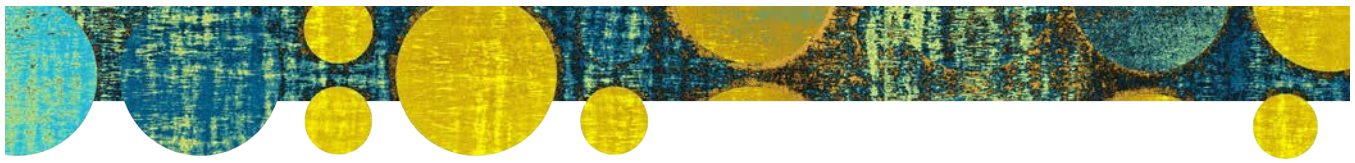
INTRODUCTION TO PARKS AND RECREATION LOSS PREVENTION

Government-funded and -maintained park and recreation areas are an integral part of Minnesota culture. The first Minnesota state park was established in 1891. Since then, the number of government-owned and -operated parks and recreation areas has grown exponentially.

These areas benefit regions in a number of ways; a few of which are support of the local economy, improved wellness of residents and preservation of the natural environment. For parks to be a positive force in the community, they need to be safe. The public puts its trust in your organization to ensure that this is the case. Parents expect that their children will play on equipment that is designed and maintained safely. Cyclists expect that trails will not have hidden dangers. Beachgoers expect that boaters will not be allowed near swimmers.



INTRODUCTION



The various stakeholders in the park expect the property to have and maintain a good reputation. The park and/or county board expects the public to have a positive experience when visiting the park.

THIS GUIDE

This guide provides information and recommendations to help you maintain park safety and to protect your organization from liability and loss. When you have land designated for park use, your organization must make decisions for how best to use the property. Will it be left natural and unimproved? Should trails be added? A playground?

Recently, parks have been incorporating new forms of recreation that were relatively unknown 20 years ago: disk golf, mountain biking and off-leash dog parks, to name a few. Regardless of the improvements you make to the park, they should be well-planned to mitigate risk and liability.

Whether starting with new parkland or adding onto existing property, this Parks and Recreation Loss Prevention Best Practices Guide is designed to help you make informed decisions about how to protect your organization and park users. The book is divided into three general sections:

1. Immunity defenses related to parks and recreational areas (Chapter 2): You should make yourself aware of this section, as improvements to the land and other courses of action may affect the strength of the immunity.

2. Risk management (Chapters 3-10): From working with volunteers to improving facility use and other written agreements, these topics cover a wide range of issues that could potentially be open to risk exposure.
3. Loss control recommendations (Chapters 12-25): Activities and structures commonly incorporated into parks are discussed.

When appropriate, references to additional resources have been included to help manage risks associated with your park and recreation operations.

FURTHER DISCUSSION

You are encouraged to contact your MCIT loss control and risk management consultants at 1.866.547.6516 when you have questions regarding park operations from a safety and risk management standpoint. You should work with the county attorney or other legal counsel when setting up policies and procedures to ensure you are in compliance with applicable federal, state and local laws.

IMMUNITY DEFENSES FOR PARK AND RECREATION OPERATIONS

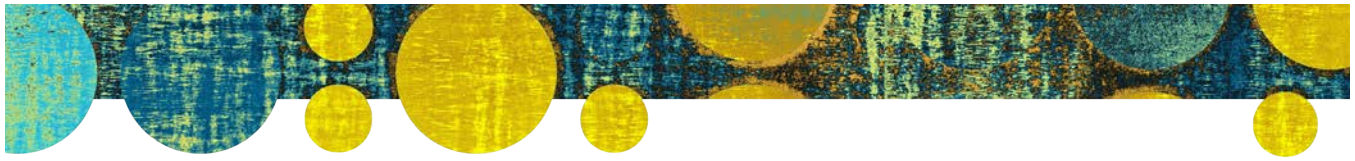
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IMMUNITY DEFENSES

Park and recreation areas, by virtue of the activities they attract, tend to foster claims against the municipalities that own them. Individuals injured while frequenting your organization's park or recreation area may look to the organization for payment of their damages. Defending these claims involves the application of several common law and statutory defenses, including several immunity arguments.

Counties and other MCIT members are municipalities within the meaning of Minnesota Statutes Chapter 466. Tort liability is limited and in certain situations is completely eliminated as a result of the immunities set forth in the law. At least two statutory immunities may protect your organization from liability when confronted with a claim by a park or recreation area user: "park and recreation immunity" and "unimproved property immunity."





PARKS AND RECREATION IMMUNITY

The Park and Recreation Immunity (Minnesota, Statutes, Section 466.03, subdivision 6e) provides that a municipality is immune from liability for:

[a]ny claim based upon the construction, operation, or maintenance of any property owned or leased by the municipality [county] that is intended or permitted to be used as a park, as an open area for recreational purposes, or for the provision of recreational services, or from any claim based on the clearing of land, removal of refuse, and creation of trails or paths without artificial surfaces, if the claim arises from a loss incurred by a user of the park and recreational property or services. Nothing in this subdivision limits the liability of a municipality for conduct that would entitle a trespasser to damages against a private person, except as provided in subdivision 23.¹

Essentially, this statute provides that park users are to be treated with the same standard of care applicable to trespassers. The trespasser standard of care (from Restatement (Second) of Torts § 335) is as follows.

A *possessor* of land (e.g., your organization) is subject to liability for bodily harm caused by *an artificial condition on the land, if the condition:*

- is one that your organization has created or maintains; and
- is, to the organization's knowledge, likely to cause death or serious bodily harm to such trespassers; and
- is of such a nature that the landowner has reason to believe such trespassers will not discover it; and
- *your organization has failed to exercise reasonable care to warn of the risk involved.*

The injured party has the burden of presenting specific facts to overcome each element of this immunity defense. The following is a discussion of each element.

Element 1: An Artificial Condition That Is Either Created or Maintained by the Park Owner

Most parks contain artificial conditions that are either created by the park owner during the improvement of the property or by prior owners. Provided the alleged incidents occur in the general vicinity of improvements on the property, it is likely that the claimant will satisfy the first element unless your organization can demonstrate that the particular condition duplicates nature.

A rationale for these decisions is that natural conditions are to be expected in a recreational area, and the owner should not be required to patrol the area or to make it safe for those who enter upon it.²

Examples of artificial conditions that were found to duplicate nature:

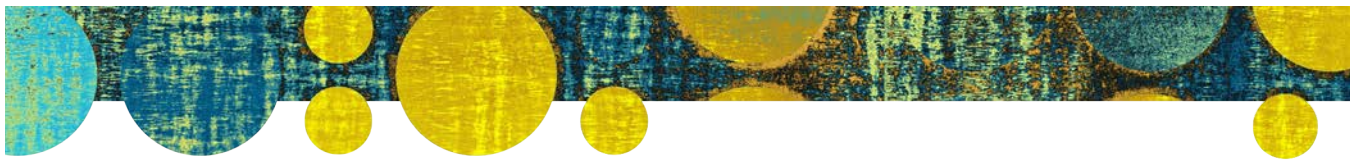
- An artificial swimming pond that was created to be similar to the natural surroundings (a lake was nearby).
- An altered ski slope with a sideward slope where the terrain duplicates nature.
- A man-made hole approximately 2.5 feet deep. The natural terrain in the area had many holes that were similar in depth.

Element 2: To the Park Owner's Knowledge, the Artificial Condition Is Likely to Cause Death or Serious Bodily Harm

This element has two parts. First, the owner must have actual knowledge of the dangerous condition; potential for harm is insufficient. Actual knowledge can come from complaints, personal observation or prior activities on the property resulting in the same or similar claims of injury or harm.

Examples:

- No actual knowledge when there were no prior reported injuries involving a ladder (plaintiff slipped off ladder) and others had used the ladder without incident the same evening.
- No actual knowledge found where a tree branch fell and injured a child—park employees had inspected the tree the day before the injury and the tree appeared healthy.
- No actual knowledge of unreasonable risk of death or serious bodily harm where city had received no prior complaints about a hockey rink and a safety inspection by a private firm did not indicate problems.
- No actual knowledge of any danger for the condition of a pitching machine L-screen where the record was void of any complaints, requests for repair or requests to replace the L-screen.
- No actual knowledge that a temporary fence on a sledding hill would cause death or serious bodily harm—the fact that death or serious bodily harm might be possible is not the same standard as actual knowledge that it is likely to cause bodily harm.
- Actual knowledge found regarding a dangerous step, where city had notice of approximately a dozen people falling using the steps.



The second part of this element is whether the condition is likely to cause death or serious bodily harm. These conditions must be likely to cause serious bodily harm, not that serious bodily injury might result.

Element 3: The Artificial Condition Is of Such a Nature That the Owner Has Reason to Believe Such Trespassers Will Not Discover It

The issue is not whether the injured person actually saw the hazard, but whether the hazard would have been visible to someone paying attention to conditions on the land.³ When a brief inspection (by the trespasser) would have revealed the condition, it is not concealed.⁴ Trespassers are required to be alert to conditions existing on the land.

Examples:

- A barrel on a ski hill was not hidden, because a large portion of the barrel and its yellow tape were visible.
- Black tape on a green tennis court was deemed visible—owner had reason to believe players would discover tape, and the tennis player testified he noticed the tape prior to slipping and falling on it.
- Vertical drop in dirt hill was not hidden because brief inspection would have revealed it.
- No undiscoverable danger where plaintiff was injured while attending a car race; testified he was 15-20 feet away from yellow tape that kept spectators from going closer to the track.
- Danger of water relative to swimming remains the same despite the fact that water was turbid and opaque.
- Condition of L-screen on pitching machine was not hidden, where the netting had a number of holes that would allow a baseball to pass through was clearly visible.
- Condition of changing surface on path and a sharp curve were hidden conditions when concealed by the presence of a stage.
- Maintenance truck parked on a bike path was a hidden danger because it was not a normal condition on the path and was neither a predictable nor obvious danger.

Element 4: The Possessor Has Failed to Exercise Reasonable Care to Warn of the Risk Involved

This is the one element that is in the sole control of

the landowner. Your organization can greatly reduce or eliminate the potential for claims by simply posting appropriate signs warning of potential danger and enforcing the rules regarding use in the park. The adequacies of the warnings may be the subject of debate between your organization and an injured park user. Nevertheless, posting signs and advising park users of the areas where they should pay particular attention will likely only work to the advantage of your organization's defense of a claim.

Whether park users heed the warnings is beyond your control. If you become aware that park users are not heeding warnings, the violations should be dealt with pursuant to park policies.

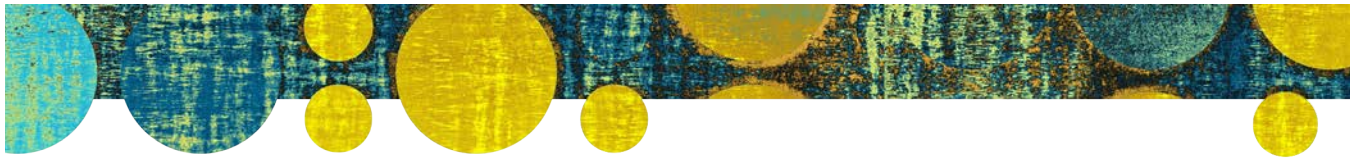
Example: If swimming is banned in a particular area of the park and park employees see people swimming there, employees should take steps to stop the activity. Park users should be advised to leave the area and return to the designated swimming area. Tolerance of known violations of park rules will undermine the ability subsequently to rely on the rules as defenses to claims of injury or damage.



BEACH AND POOL EQUIPMENT

Due to unique exposures of beach and pool equipment, the Minnesota Legislature enacted a specific immunity in Minnesota Statutes, Section 466.03, subdivision 6f that states:

- (a) Subject to paragraphs (b) and (c), any claim based upon an injury arising out of the use by any person of a diving board, diving platform, diving raft, water slide, nonwater slide,



or dock installed at a beach or swimming pool owned, leased, or operated by a municipality other than a school district, if the injury occurred when the beach or swimming pool was closed as indicated by a sign posted at the beach or pool.

(b) A municipality has a duty to use reasonable care to warn trespassers of any danger or risk involved with the use of beach or pool equipment described in paragraph (a) if the municipality:

- (1) knows or has reason to know that trespassers regularly use certain portions of the beach or pool equipment;
- (2) installs, operates, or maintains the equipment in a way known as likely to cause death or serious bodily harm; and
- (3) has reason to believe trespassers would not discover the risks involved in the use of the equipment.

The requirements of this paragraph do not apply if a trespasser knows or has reason to know of the condition of the equipment and the risk involved in its use.

(c) Nothing in this subdivision limits the liability of a municipality for conduct that would entitle trespassing children to damages against a private person.

CHILD TRESPASSER STANDARD

In a few cases involving children, courts have applied the more rigorous child trespasser standard of care.⁵ That standard is as follows.

A possessor of land is subject to liability for physical harm to children trespassing thereon *caused by artificial conditions* if:

- the place where the condition exists is one upon which the *landowner knows or has reason to know that children are likely to trespass*; and
- the condition is one of which the landowner knows or has reason to know and which it realizes or should realize *will involve an unreasonable risk of death or serious bodily harm to such children*; and
- the children *because of their youth do not discover the condition or realize the risk involved in intermeddling with it or in coming within the area made dangerous by it*; and
- the *utility to the landowner of maintaining the condition and the burden of eliminating the danger are slight as compared to the risk to children* involved; and

- the *landowner fails to exercise reasonable care* to eliminate the danger or otherwise to protect the children.

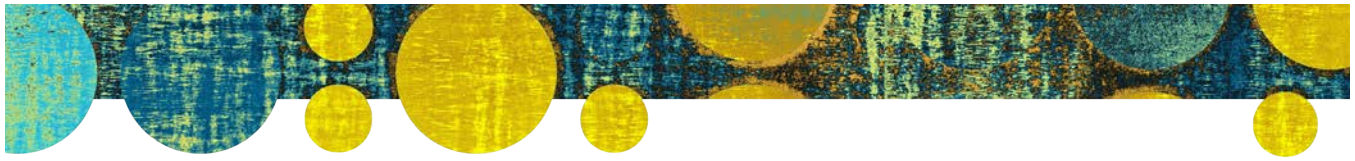
The child trespasser standard does not automatically apply to all cases involving children, rather courts look at the facts of a particular case, such as the type of recreational area and type of activity involved. Generally, the child trespasser standard does not apply to situations that “may reasonably be expected to be understood and appreciated by any child of an age to be allowed at large.”⁶



WHAT IS A RECREATIONAL AREA?

You should be mindful that individuals attempting to overcome park and recreation immunity may assert that the property was not in fact recreational property. For example, a city was denied recreational immunity when an individual fell on a boulevard adjacent to a ball park. The city argued that the boulevard was part of the property dedicated to use as a stadium. The court disagreed because the record was void of any evidence that the boulevard was in fact part of the recreational property.⁷

Courts have been clear that when looking at recreational property, they examine the property and its buildings and accessory fixtures. The question will be whether property as a whole was recreational and whether the area at issue facilitated the use of recreational property.



Examples:

- A golf clubhouse was recreational property because it was part of the same property as the golf course, provided services related to the golf course and facilitated the use of the course.
- The roof of a sports facility was recreational property because the building was used for a recreational purpose.
- Batting cage facilities are recreational property because they facilitate the use of the recreational baseball field properties.
- A tractor-trailer at a county fairground was included in the definition of recreational property.
- A paddleboat operation that was part of a park's amenities was included as part of recreational property.
- A sewer pond site used for mud bog races was a recreational area even though the city did not dedicate or specifically designate the sewer pond as a recreational site because the races themselves were recreational in nature.
- A recreational area of a correctional facility was not recreational property. The primary intended function of the property as a whole was to detain and confine inmates.

If private independent contractors operate a certain portion of the park operation, the private operator may not be entitled to park and recreation immunity. For example, a private contractor operated a golf clubhouse facility on property owned by a municipality. The individual had considerable latitude with regard to concession operations, operation of pro-shop facilities and day-to-day golf course operations. He retained 100 percent of the commissions from concessions, rental revenues, pro-shop revenues and golf lesson revenues. He purchased all inventory and was responsible for hiring, training, scheduling and supervising golf-course personnel.⁸ The court found that he was an independent contractor and not an agent of the city and, therefore, would not be entitled to come under the protection of the municipality's park and recreation immunity.⁹

WHAT IS A RECREATIONAL ACTIVITY?

Another argument posed to overcome park and recreation immunity is that the activity is not a recreational activity. For example:

- An individual attending a track and field event as a spectator argued that the activity was educational, not recreational. The court disagreed.¹⁰
- Park and recreation immunity applied to a caterer injured while using the kitchen at a center used for recreational, social and community services.¹¹

UNIMPROVED PROPERTY IMMUNITY

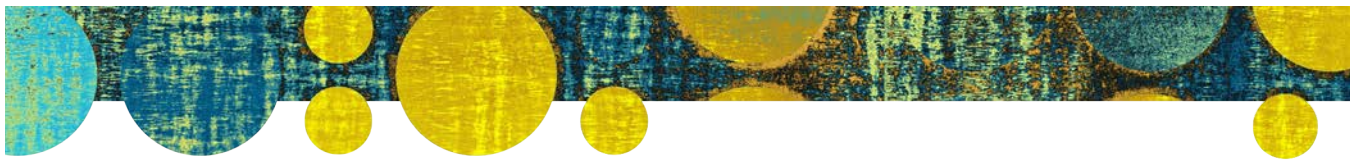
Another immunity that may apply to park land is referred to as unimproved property immunity. It is common for land to be used for recreational activities, whether specifically designated for such use or not. Minnesota Statutes, Section 466.03, subdivisions 6b and 13 state that a municipality is immune from liability for:

any claim based upon the condition of unimproved real property owned by the municipality, which means land that the municipality has not improved, land that is owned or administered by the municipality that contains idle or abandoned mine pits or shafts, and appurtenances, fixtures and attachments to the land that the municipality has neither affixed nor improved.

The unimproved property immunity can only be applied to those areas that members own but have not developed, changed or enhanced. The immunity would have limited application to member parks where changes and improvements have been made, including the construction of user facilities, paths or trails. Although this immunity might not apply to the entire park, it is possible the immunity could be applied to certain sections or areas of the park that have not been subject to improvements by your organization.

For example, if there is a portion of the park property that has not been improved or changed by your organization, you could make the argument that it is unimproved property, and your organization is, therefore, entitled to this immunity. This position would be bolstered by signage stating this area is unimproved and may be dangerous. The appropriateness of such an argument and the likelihood of its success, however, depend on the particular facts and circumstances of the case.

Example: A series of bike paths existed in a park area that used to be part of a railroad yard. After



STATUTORY AND OFFICIAL IMMUNITIES MAY APPLY

Statutory Immunity

Statutory immunity is provided for in Minnesota Statutes, Section 466.03, Subdivision 6. It is a general immunity that states that municipalities are immune from claims “based upon the performance or the failure to exercise or perform a discretionary function or duty, whether or not the discretion is abused.” Statutory immunity can potentially be applied to a wide variety of government conduct and is not particularly limited to park and recreation areas.

In determining whether the general statutory immunity applies, the precise governmental conduct in question must be examined. “Planning-level” conduct is protected by statutory immunity. Planning-level conduct includes public policy questions that require an evaluation or balancing of factors including the financial, political, economic and social effects of a proposed plan or policy.

“Operational-level” conduct is not protected by statutory immunity. Operational-level conduct involves decisions relating to the government’s day-to-day operations.* The application of statutory immunity should always be considered when evaluating potential liability for your organization and its employees.

Official Immunity

Official immunity is provided to municipalities (counties) and their employees by case law. Official immunity provides that public officials charged by law with duties that call for the exercise of judgment or discretion are not personally liable to an individual for damages unless the official is guilty of a willful or malicious wrong.**

Official immunity can potentially be applied to all government conduct and is not particularly limited to park and recreation areas. The doctrine, however, should always be considered when evaluating potential liability for your organization and its employees.

For example, a city’s decision to close a sledding hill was protected by official immunity where an employee exercised professional judgment in making the decision when the conditions required and how to close the hill.***

*Steinke v. City of Andover, 525 N.W.2d 173, 175 (Minn. 1994); Fisher v. County of Rock, 596 N.W.2d 646, 652 (Minn. 1999); Holmquist v. State, 425 N.W.2d 230, 234 (Minn. 1998)

**Elwood v. County of Rice, 423 N.W.2d 671, 677 (Minn. 1988).

***Mertz v. City of Eden Prairie, 1997 WL 435881 (Minn. App. 1997).

purchasing the property, the county cleared away some of the railroad buildings, but left a loading dock, which rendered the property improved such that the immunity did not apply.¹²

MANAGE RISKS WITH FORETHOUGHT

Your organization’s park and recreation areas are valuable and precious resources to your region. It is not possible to eliminate completely all claims of injury and harm that may result from activities in such areas. However, as long as your organization adopts and enforces appropriate rules, the ability to provide an effective defense of claims arising from activities in a park and recreation area is significantly increased.

The application of the various common law and statutory immunities will depend on the particular facts and circumstances of the case, as well as the case law on the subject.

¹Subdivision 23 applies to recreational facilities and activities at schools and states that nothing in this subdivision: 1) limits the liability of a school district for conduct that would entitle a trespasser to damages against a private person; or 2) reduces any existing duty owed by the school district.

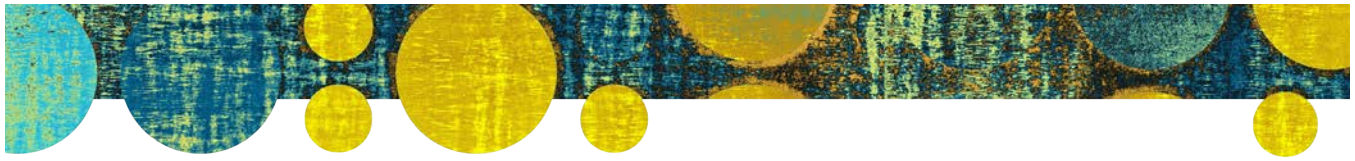
²Green Glo-Turf Farms, Inc. v. State, 347 N.W.2d 491, 494-95 (Minn. 1984).

³Steinke v. City of Andover, 525 N.W.2d 173, 177 (Minn. 1994).

⁴Johnson v. State, 478 N.W.2d 768 (Minn. Ct. App. 1991).

⁵From Restatement (Second) of Torts § 339.

⁶Sirek v. State, Dep’t of Natural Resources, 496 N.W.2d 807, 811 Minn. 1993 (quoting Restatement (Second) of Torts §339 (adult trespasser standard applied to child crossing busy road with parents at a state park)). See generally, Habeck v. Ouverson, 669 N.W. 2d 907 (Minn. Ct.



App. 2003) rev. den. Dec. 23, 2003 (child trespasser standard applied to child riding a hay wagon at a county fair; but see, **Stiele v. City of Crystal**, 646 N.W.2d 251 (Minn. Ct. App. 2002)(adult trespasser standard applied to 11-year-old who jumped off a post and injured herself at a park); **S.M.R. v. City of Inver Grove Heights**, 2000 WL 385497, (Minn. Ct. App. 2000)(adult trespasser applied to a 12-year-old riding a bike through an undeveloped part of the city and lodged bicycle's front tire in a drainage grate).

⁷See **Dickhudt v. City of St. Paul**, 2009 WL 1920818 (Minn. App. 2009).

⁸**Unzen v. City of Duluth**, 683 N.W.2d 875 (Minn. Ct. App. 2004) rev. den. Oct. 27, 2004.

⁹**Id.**

¹⁰See **Linton v. ISD No. 196**, 1996 WL 104745 (Minn. Ct. App. 1996).

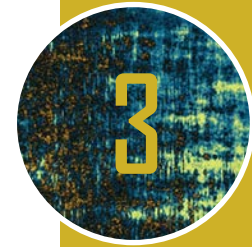
¹¹**Hinnenkamp v. City of Columbia Heights**, 2002 WL 233824 (Minn. Ct. App. 2002).

¹²See **Angell v. Hennepin County Regional Rail Authority**, 578 N.W.2d 343 (Minn. 1998).

Resource

"Governmental Immunities" MCIT Resource

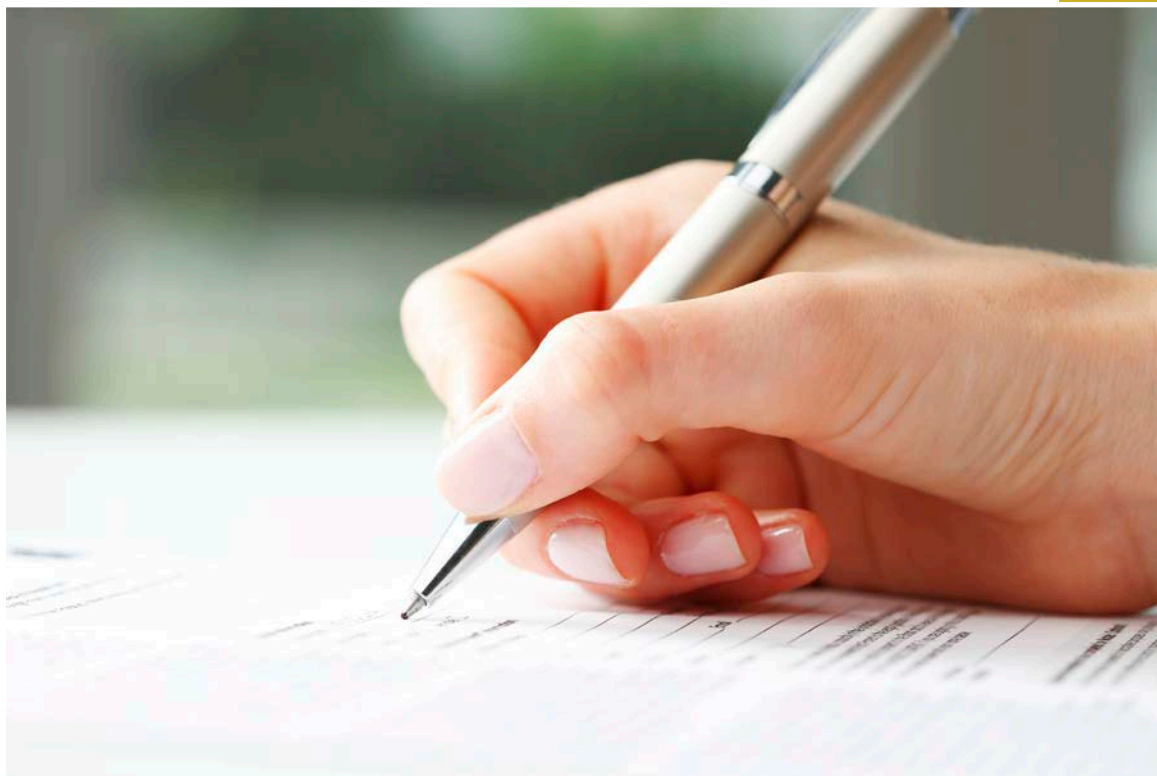
FACILITY USE, AND RENTAL AND LEASE AGREEMENTS

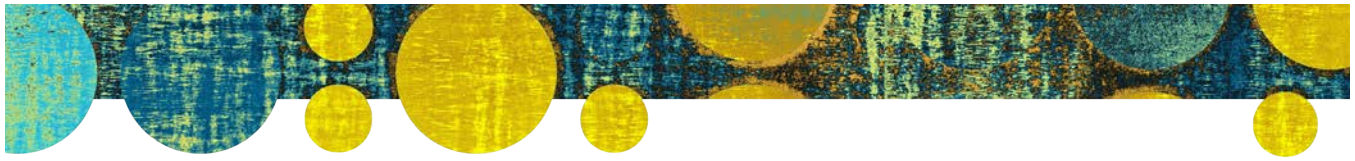


Operating a park may necessitate the use of numerous written agreements from engaging a builder or an independent contractor (discussed in Chapter 4) to executing a lease, rental or facility use agreement. This chapter highlights risks involved in facility and equipment rental and best practices for managing that risk.

FACILITY USE

From a family picnic or a regional fundraiser to an all-terrain vehicle race, requests to use park facilities come from all kinds of groups and individuals. The range and types of activities and groups vary





widely. Some activities, such as those involving alcohol or high-risk activities, may not be compatible for all parks. To ensure that only compatible activities are conducted, you should develop policies and procedures for reserving and renting park facilities to the public. Having such policies and procedures minimizes potential legal and political problems regarding what types of groups may rent facilities and the parameters of that use.

Prior to drafting policies, you may find it helpful to first identify certain basic information, such as the following:

- What types of groups want to use park facilities?
- What activities will be held?
- Are there certain activities incompatible with current park operations and/or facilities?
- What types of activities will necessitate special services (parking, traffic, law enforcement, security, sanitation, etc.)?
- Would certain activities require that additional approval be obtained by the applicant, such as permits, special events insurance, dram shop coverage (if allowing alcohol)?
- For rental of buildings and shelters, what requirements regarding cleaning, food handling, etc. will be required?
- In what manner will requests be processed, e.g., first come, first serve; lottery; special application?
- Who in the organization has authority to approve requests and be responsible for ensuring compliance with park policies?
- How will park/facility rules be communicated and enforced?

All policies should be formally adopted by your organization. You should train employees and volunteers on these policies and make them available to the public upon request.

Facility Request Procedures

When a request for use of a facility is received, your organization must determine the appropriate process. The following are some items to consider including:

- Reservations
- Applications
- Fees
- Staffing—before, during and after (staffing may affect whether a request can be approved)

Periodically review your request procedures to ensure that they are up-to-date with your facility capabilities and are equally applied to all applicants.

Application

An application process allows an entity to identify expectations, rules and requirements; and communicate those to the individual or group requesting use of facilities. It ensures that groups conduct activities consistent with leased park facilities.

Details, such as any insurance requirements, alcohol prohibition or catering requirements or fees (rental or security deposits), should be outlined in the application. Providing information up front makes sure that lessors know the financial costs and/or requirements before signing an agreement and allows them to determine whether the park facility meets their needs.

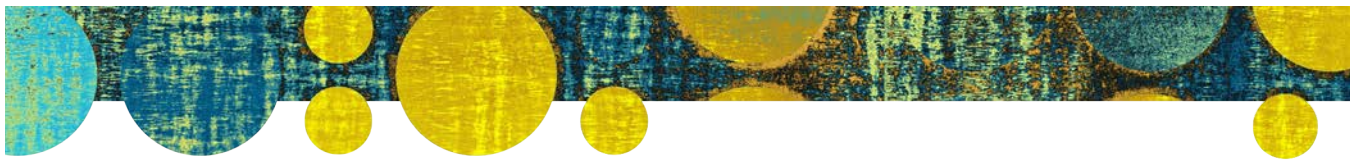
Written Agreement

Once the application is accepted, you should consider reducing the terms and conditions of facility use to a written agreement. A written facility use agreement is a legally binding document that establishes the purpose, date, time and cost for the facility use.

The agreement also establishes the rules and articulates any other requirements and limitations of the use. For example, no alcohol may be served without dram shop coverage, no music past 7 p.m., etc. The agreement should include the following details, depending on the circumstances:

- Parties involved
- Scope of use
- Limits on use (e.g., the maximum number of people)
- Restrictions on use (e.g., illegal, loud or disruptive behavior; pets; alcohol; etc.)
- Maintenance/clean up requirements
- Specific timeframe for using the facilities
- Deposit, rental amount and any fees, and establish when they are owed
- Insurance requirements (require a certificate of insurance)
- Hold harmless and indemnification clause

In the agreement, you may want to address issues such as advertising on the park grounds; alterations,



decorations and damage; additional users; and consequences for violation of park rules or local laws. You should include park rules and a general clause whereby the lessor agrees to be responsible for any and all misconduct or damage caused by his or her guests.

With any agreement, ensure the parties entering into it have such authority.

Event Preparation

Prior to the rental, park staff should plan for the following:

- Any staffing that may be required or beneficial
- Extra resources that might need to be on hand, such as law enforcement, fire or ambulance
- Parking or traffic arrangements
- First aid
- Responsibility for cleanup
- Inspections—before and after
- Evaluations
- Repairs—before and after

Periodically, review your request procedures to ensure that they are up-to-date with your facility capabilities and are equally applied to all applicants.

Maintenance

When someone leases facilities from a local park, he or she expects that the facilities will be well-maintained. Meeting this expectation requires that facilities be regularly inspected and problems remedied in a timely manner. Regular maintenance ensures a longer useful life for facilities than those that are neglected.

Also you should establish a log to record any accidents and/or damage that occurs on its property. You will want to inspect any known dangers and take action to remedy them.

Most good maintenance programs are scheduled so as not to be overlooked. It is vital that you keep records of the inspection and maintenance performed.

RENTAL EQUIPMENT

Many parks offer equipment the public can rent. The types of equipment are numerous. For example, a

park with a waterfront might offer paddle boats or fishing equipment. A large park might offer geocaching or hiking equipment. A park that includes groomed winter trails may rent cross country ski equipment. Other possibilities are:

- Pool toys and equipment
- Rowboats
- Sailboats
- Archery equipment
- Camping equipment
- Disc golf equipment
- Gardening equipment
- Golf clubs and accessories
- Horseback riding opportunities and gear
- Sporting equipment
- Downhill skis
- Inner tubes
- Skijoring and dog sledding
- Sleds and sledding gear
- Snowshoes

Offering rental equipment can increase the enjoyment of your park and could have a variety of other benefits. Just be sure to take into account the risks associated with implementing a rental program.

Public or Private

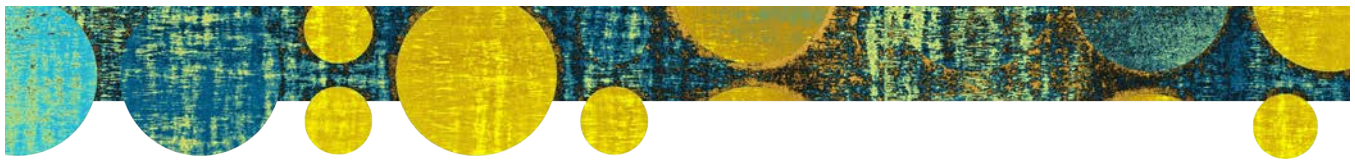
Whether you currently rent equipment or are considering it, you should address a number of matters. One of the first questions to answer, and one you may revisit later in the process, is whether to contract with a third party to run the rental program or whether you want to keep the operations in house.

In addition to giving the details to someone else to figure out, contracting allows you to transfer the risk to the independent contractor.

See Chapter 4 for more information about independent contractors.

Coverage

Early in the planning and implementation of a rental program, you should verify that you have coverage for



the operation. Check with your MCIT risk management consultant at 1.866.547.6516. Remember there are exclusions to coverage for sledding hills with tow ropes or rental tubes and sleds, and for downhill skiing, among others.

If MCIT does not provide the coverage you need, coverage must be placed outside of the Trust.

Rental Agreement

A written agreement is crucial to managing your organization's risks for an equipment rental program. Consult with the county attorney or legal counsel when developing written agreements. Be sure to consider such issues as:

- Who can rent equipment.
- Who can sign the agreement.
- Who must be present during rental.
- The length of the rental period.
- Who will be responsible for damage to rental equipment.
- How you will collect money for damages.
- How you will handle deposits (amount and how it will be used or returned).
- Fees for equipment rental, extension of rental period, late return of equipment and returned payment.

Basics to include in the rental agreement are rental rate, any additional fees, written rules and a waiver to transfer risk. You should also address any possible warranties to condition of equipment, responsibility for faulty manufacture and other possible exposures in the written agreement.

Equipment Maintenance

In any rental equipment program, inspection and maintenance should be addressed. Over time, the wear and tear on equipment can create a situation that could result in injury or property damage to others. Develop a schedule for inspection based on the type of equipment and frequency of use. For example, personal flotation devices most likely require more frequent inspections than canoe paddles. Check with manufacturers to see if they provide inspection

checklists for specific pieces of equipment.

Following equipment inspection, perform required maintenance promptly or remove equipment from service until repaired. Be sure to retain records of equipment inspection and maintenance as proof of due diligence.

Other Considerations

- Determine the need for safety equipment, such as helmets, pads, personal flotation devices and other items.
- Determine if you will allow individuals to use their own equipment.
- Develop policies for what to do when outside businesses try to operate on site (e.g., lessons, guides, clubs, community education, etc.).
- Determine if licensing is required (boat, fleet, operator's, hunting, fishing, cross country ski, etc.).
- Develop a procedure to deal with people consuming alcohol while renting your equipment.
- Establish steps to take to prevent theft of equipment and to respond to a possible theft.
- Set safe cash handling procedures.

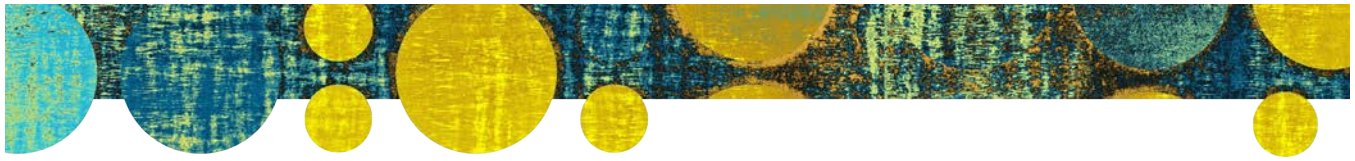
How other parks operate their rental programs can help you establish your policies and procedures. You can discover practices that you want to follow and others that you want to avoid.

Collecting Data

In many of the above situations, you will collect information from the public. It is important to remember that all data collected is considered "government data" and will need to be treated consistent with the entity's policies and procedures, the Minnesota Government Data Practices Act and records retention.

To ensure compliance with the rules and regulations, you should review the types of data collected and determine what is public and not public. Be sure to assess these requirements with legal counsel or the entity's responsible authority. Some questions you may need to answer:

- What data do you need?



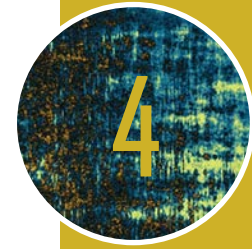
- What is the classification of the data?
- What are the limitations of use of the data?
- Where is the data stored? If it is not public data, is the information secured safely?

RESOURCES

MCIT's website has a number of articles related to managing written agreements:

- "Red Flags in Contracts"
 - "An Introduction to The Minnesota Government Data Practices Act:"
-

INDEPENDENT CONTRACTORS

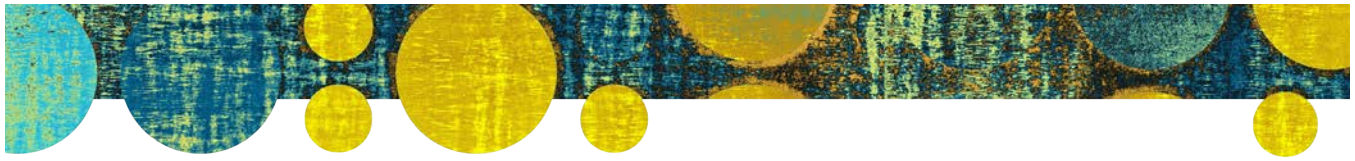


When hiring an outside party to provide services to the park, you may have a number of questions: How much insurance should we require, and what kinds of coverage do we need? Who will be responsible if we are sued? Why shouldn't we operate on a handshake? How risky could it be to hire that painter? Shouldn't we just pay the contractor by the hour?

From determining insurance requirements to making sure that the independent contractor stays independent, this section addresses some of the many issues related to using independent contracts for parks and recreation activities.

INDEPENDENT CONTRACTORS





SELECTION OF AN INDEPENDENT CONTRACTOR

When engaging an outside party to complete a project, the selection process is crucial. You should review the process to be followed, e.g., municipal bid law, requests for proposal, etc.

Most processes include creating bid specifications, which allow potential bidders to know key components of the project. Your entity will want to ensure that any bid specifications are specific enough to ensure accuracy relative to the quality, timing and pricing of the responsive bids. Bid specifications should also include the project's insurance requirements, such as the costs of bonds, insurance and so forth., as those may affect the contract price.

There may be some situations, such as professional services, where government entities may want to request references of current and/or past government clients when evaluating the most suitable service provider.

KEEPING INDEPENDENT CONTRACTORS INDEPENDENT

Steps should be taken to avoid establishing an employer-employee relationship with an independent contractor. There are potential tax implications, Department of Labor and Industry considerations, workers' compensation ramifications, employment law requirements and any number of other concerns if an independent contractor is later deemed your employee.

Some problems can be avoided through following simple steps, such as always using a contract to define the scope of the job and always following the contract, not allowing contractors to use your organization's equipment, and avoiding compensation terms related to hours or time worked.

The MCIT Resource "Independent Contractors: Keeping Them Independent" is an excellent place to start when examining the steps to take in keeping contractors independent.

As always, and perhaps most important, consult with the county attorney or other legal counsel prior to engaging in any contract.

ESTABLISH A CONTRACT

The use of an independent contractor to deliver goods or perform services for the organization can be a prudent strategy to transfer risk from the organization. However, to do that effectively, a contract/agreement must transfer that risk. Although organizations may be tempted for small contracts to use a hand shake agreement, it is always better to put the agreement in writing. Sometimes low-cost agreements can have equal to or greater risks than high-cost agreements.

For example, a park hires a local painter to stain the interior of a building. The total contract price may be low, but if the stain is not stored properly, it may start a fire and destroy the entire building.

The following are provisions to consider when entering into an agreement with an independent contractor. This list is not all inclusive, and not every item may be appropriate for every situation. You are encouraged to consult with your organization's legal counsel prior to drafting or entering into any contracts or agreements.

Contracts should include a hold harmless and indemnification agreement that is favorable to your organization. See "indemnification and hold harmless agreement" in the Glossary. This, in part, is used to establish the requirement that the contractor provides insurance to protect your organization from the independent contractor's negligence. The contract should also provide for defense if your organization is sued for the independent contractor's negligence.

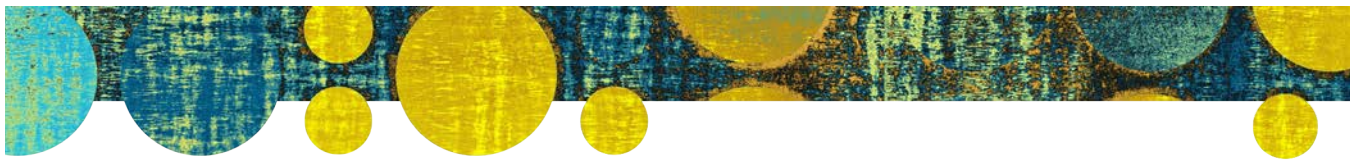
Terms and Conditions

State that the independent contractor agrees to provide services solely as an independent contractor.

- Nothing should imply a right to employment or benefits.
- The agreement should clearly state that the independent contractor is responsible for payment of all state and federal taxes for his or her operation.

Require compliance with all applicable federal and state laws, including the Minnesota Government Data Practices Act (MGDPA).

- Whenever a contract requires that data on individuals be made available to a contractor,



- the MGDPA requires that the contractor maintain the data in accordance with the Act (Minn. Stat. § 13.05, subd. 6).
- Whenever a government entity enters into a contract with a private person to perform any of its functions, the government entity must make it clear in the contract terms that all of the data created, collected, received, stored, used, maintained or disseminated by the contractor in performing those functions is subject to the requirements of the MGDPA and that the contractor must comply with those requirements as if it were a government entity (Minn. Stat. § 13.05, subd. 11).

Require the independent contractor to abide by any policies or rules related to the worksite, including visitors, safety, anti-discrimination and harassment.

Scope of Work

- Clearly define expectations regarding the final product.
 - The independent contractor has the independence to make day-to-day decisions on how to get the job done.
- The independent contractor has the ability to hire and fire assistants if needed.
 - The independent contractor should be held solely responsible for the work product and the actions of any assistants.
 - No additional payments should be made to the independent contractor simply because assistants are hired. No payment should be directed to any assistant.
- Set forth the reasons that the independent contractor is required to provide the services personally, such as reputation, specialized experience, training or expertise.
- Do not require specific attendance or hours of work; however, the organization may limit access by the independent contractor to its buildings and facilities.

Compensation

- Avoid payments that appear to be made in the same form as employee wages. Payment should be on a fee-for-service basis (i.e., paid at the end of the project, specified project benchmarks, upon certain billing cycles, etc.).
- Do not pay the independent contractor using the organization's payroll system. An independent contractor is issued a 1099 form, so it is necessary to have the independent contractor provide his or her tax ID on a W-9 form.

Indemnification

Include an indemnification and hold harmless clause

favorable to the organization. This means that if the contractor's conduct causes injury, it will pay for any attorney fees and damages that the county is ordered to pay because of the contractor's wrongful conduct. The following is sample language that needs to be modified or tailored to fit each individual situation:

The [independent contractor] agrees to defend, indemnify and hold [organization's name], its employees and officials harmless from any claims, demands, actions or causes of action, including reasonable attorney's fees and expenses arising out of any act or omission on the part of the independent contractor or its subcontractors, partners or any of his/her agents or employees in the performance of or with relation to any of the work or services to be performed or furnished by the [independent contractor] or its subcontractors, partners or any of his/her agents or employees under the agreements.

Equipment and Supplies

Require the independent contractor to provide his or her own materials, tools and equipment. If there is a business reason for allowing the independent contractor to use the organization's tools or equipment, provide an explanation for this in the agreement (e.g., a contractor hired to work on the organization's computer system may need access to the organization's computers to complete the project for which he or she is hired).

Duration

Require completion dates in the agreement, but do not require that the independent contractor work solely for the organization until the project is complete.

Consider allowing the contractor to subcontract, but only with the express permission of the organization.

POLICIES AND PROCEDURES

- The agreement must be executed by the chair of the board (of commissioners/directors) as authorized by board action. The board may delegate this responsibility to a designee, but this should be by board action.
- Review collective bargaining agreements and policies to ensure the organization is not violating any terms or conditions relative to engaging an independent contractor.



Recommended Coverages and Limits

POLICY	LIMIT	AGGREGATE LIMIT
Commercial General Liability	\$1.5 million	\$3 million
Commercial Auto	\$1.5 million combined single limit	N/A
Products and Completed Operations	\$3 million	N/A
Workers' Compensation and Employer's Liability		Statutory
Professional Liability or Errors and Omissions	\$2 million per wrongful act	At least \$4 million

COMPLY WITH THE CONTRACT

Once the agreement has been executed, it is imperative that the organization and independent contractor comply with the terms and conditions of the contract, especially as it relates to the interaction and direction given to a contractor.

If a conflict gives rise to litigation or a question on the employment status of an individual, the fact finder will likely look not only to the contract but also to the context of the working relationship. The court and/or other agencies responsible for employment issues may find that an employer-employee relationship exists, despite an agreement that states otherwise.

DETERMINING INSURANCE REQUIREMENTS

Just as one project may differ from another, risk management concerns can also differ. Some, but not all, of the general concerns are as follows.

- Every independent contractor should have insurance coverage that is primary and not excess to any other coverage carried by your organization.
- The independent contractor's insurance providers should be acceptable to your organization based on the carrier's financial rating, among other factors your organization determines.
- Coverage must be in force for the duration of the project with consideration given to whether the coverage is on a claims made or occurrence basis.
- Require advanced notice of any changes to insurance coverage and require that changes in coverage continue to meet contractual requirements.
- Require a Certificate of Insurance prior to beginning any work.

- Require your organization be listed as additional insured on all policies other than workers' compensation and professional liability. Being listed as an additional insured provides protection to the government entity when it is named in a lawsuit due to the contractor's wrongful conduct. See the Sample Language section for an example of the additional insured clause.

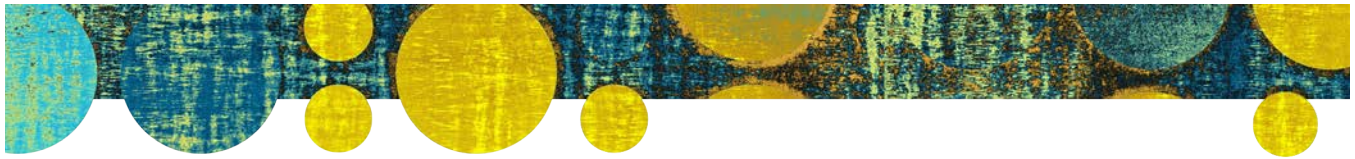
Amounts and Kinds of Coverage

Members should determine the amount of insurance needed to cover the amount of risk that should be covered. For example consider a carpenter contractor who cuts into a wall to make repairs prior to beginning work. This act causes a problem with the wiring of the building, which leads to a fire. The contract may have been for a minimal amount, but the complete loss of a building and all of its contents could cost millions of dollars.

In general, limits should match the tort caps of \$500,000 per claimant and \$1.5 million per loss. Common lines of insurance required are commercial general liability, commercial auto, products and completed operations, workers' compensation, employer's liability, and in some instances professional liability coverage or errors and omissions coverage.

The accompanying table includes recommended minimum limits. Your organization needs to decide for itself the required levels of coverage and should consult with the county attorney or other legal counsel prior to signing any contract.

Your organization should also consider requiring or may legally have to require the following types of



insurance policies, floaters and bonds:

- Pollution liability
- Builder's risk/installation floater (construction projects)
- Fidelity bond/crime insurance
- Performance/payment bond

RESOURCES

The online MCIT Resource Library includes the following articles that relate to managing the risks of independent contractors:

- "Certificates of Insurance"
- "Checklist of Coverage(s) and Liability Limits for Independent Contractors"
- "Independent Contractors: Keeping Them Independent"
- "Independent Contractors Limits of Liability"

SAMPLE LANGUAGE

Additional insured clause, sample language:

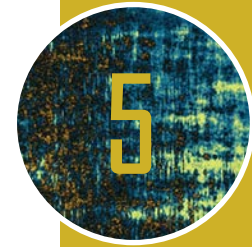
"Contractor shall name [INSERT MEMBER NAME] as an additional insured on Contractor's [Commercial General Liability] policy covering [INSERT MEMBER NAME]'s vicarious liability for Contractor's negligence, strict liability, and breach of warranty arising out of Contractor's ongoing and completed operations, with coverage equivalent to that provided by ISO Forms CG 2010 04 03 and CG 2037 04 13. The additional insurance shall be primary and non contributory,"*

Indemnification and hold harmless agreement,

sample language (adjust to the specifics of each contract): "The vendor agrees to defend, indemnify, and hold [MEMBER NAME] harmless, its employees and officials harmless from any claims, demands, actions or causes of action, including reasonable attorney's fees and expenses arising out of any act or omission on the part of the vendor, or its subcontractors, partners or independent contractors or any of their agents or employees in the performance of or with relation to any of the work or services to be performed or furnished by the vendor or the subcontractors, partners, or independent contractors or any of their agents or employees under the agreement."

* Source: Huber, Bob & Steve Lindemann. "Construction Contracts—What Insurance Can be Required After Amendments to Anti-Indemnification Law." Presented 7/10/2014 at Minnesota PRIMA Meeting: Revisions to MN Law, Updates: Workers' Compensation (mental-mental) and Additional Insureds on Construction Contracts. Stinson Leonard Street LLP, Kansas City, Mo.

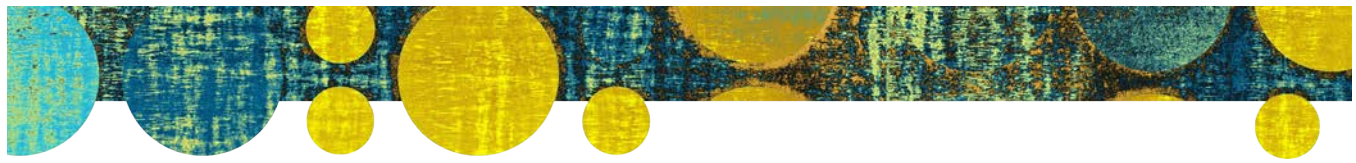
VOLUNTEERS



Many public entities have come to rely on the generosity of volunteers to help provide services to constituents. Although the volunteer may be working side-by-side with staff on the premises or independently with the entity's knowledge, the relationship is different from the typical one of employer and employee. Due to the unique exposures and activities of park and recreational activities, special attention should be given to what roles are appropriate for volunteers and what steps need to be taken by your organization to manage the risk of volunteers. This section helps provide a road map to manage the risk

VOLUNTEERS





Risks Posed by Volunteers

The use of volunteers poses certain risks to the organization. Volunteers getting hurt while volunteering; volunteers damaging property; volunteers causing damage to be done to others; volunteers using park equipment, tools and vehicles; gathering personal information on volunteers; keeping private data private; theft by volunteers. The list is long. Prior to starting any volunteer program, it is important that members consider the risks and design programs that help keep the exposures to a minimum without creating a system that is either unmanageable or causes people to lose interest in volunteering.

Four Important Elements of Any Risk Management Plan

Generally, when entities use volunteers, four key points should be considered to help manage the risks.

1. POLICIES AND PROCEDURES

An organization should have policies and procedures related to volunteers. They should address:

- How the entity will utilize volunteers. For example, what will volunteers do: park patrol, service projects, adopt-a-garden, coordinate events, wildlife surveys, be interpreters, etc.?
- What each volunteer position requires relative to previous experience, training or licensure, if any.
- If volunteers will operate park vehicles or equipment, any limitations that are applied.
- Who authorizes volunteers.
- How volunteers are selected.
- Who supervises volunteers.
- The training required of the volunteers.
- Whether certain volunteer positions require reference checks and/or background checks.

Prior to choosing roles or tasks for volunteers, consider the responsibilities of each position and the subsequent risks involved. Those responsibilities and risks should correlate with the type of experience and training that is required of the volunteer.

For example, volunteers assist in clearing downed branches after a storm. The volunteer has no experience and improperly downs a tree, causing it to fall and injure other volunteers. The entity could be sued by those volunteers for damages.

To manage that risk, the entity should identify which volunteers should be allowed to use items such as chainsaws (and if allowed, whose equipment). The entity will want to ensure the chainsaw operator: 1) has experience; 2) knows the limitations of his or her volunteer duties; 3) has a properly maintained chainsaw in good working order; and 4) understands safety rules the entity requires (proper personal protective equipment).

Another example is volunteers assisting with community classes or guides for nature walks. These classes/activities often attract children. The entity should ensure that any volunteer working with children or a vulnerable group does not have a criminal background that would raise questions whether contact with such a population is ill-advised, e.g. criminal sex offender volunteering at a playground.

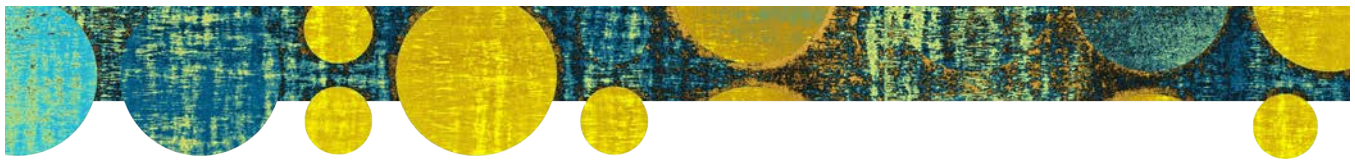
Keep in mind that personal property of volunteers is only covered by MCIT if it is used for the benefit of your organization, and generally volunteers are not protected by workers' compensation (but may pursue a liability claim against the organization for damages). Also, volunteers are not covered by MCIT's bond coverage. If a volunteer steals money, the government entity would need to recover it directly from the volunteer. MCIT recommends limiting volunteer access to money.

Prior to adoption of a policy, legal counsel should review it. For example the Minnesota Government Data Practices Act provides limitations on what data may be collected, how it can be collected and who can access the data. Legal counsel can assist park and recreation employees to avoid violating the law before the volunteers even begin.

2. REGISTRATION

Once volunteers are approved for service, you may want to consider how to track participation. This is a key element when securing volunteers for any situation, as it confirms that the entity and volunteer have been in contact. Registration also is a trigger for MCIT's coverage if there is a claim involving a volunteer.

Registration can vary from a sign-in sheet to



applications and interviews. The type of registration varies by the type of volunteer. In an emergency situation (e.g., cleaning after a storm or searching for a missing child), gathering volunteers needs to be completed on short notice. Registration may be as simple as reporting to a county location to sign in with one's name.

A medical-related or law enforcement volunteer, or one who will have contact with a vulnerable population, e.g., children, should go through a more detailed registration, such as completing an application, an interview and a background check. Their duties could involve exposures that bring more risk to an organization.

Volunteers generally come from three main sources. First are volunteers that apply directly to the organization. These are the easiest to classify and control as the organization selects, assigns and directly oversees the volunteer.

The second source are groups of volunteers typically associated with a local organization, such as a church, school or community action group. Often these volunteers are working on specific projects, like park clean up, and selected by the volunteer group and not the government entity. The government entity should work with the organization contact regarding any qualifications and/or restrictions regarding volunteer participation.

In general, it is also a good idea to develop written agreements between the park and the organization that is coming to do volunteer work in the park. The organization should agree that if it allows volunteers that do not meet the terms of the agreements, the organization will hold harmless, and defend and indemnify (see Chapter 3: Facility Use, and Rental and Lease Agreements) the government entity for any damages caused by that volunteer. Furthermore, your entity should have all the group volunteers register upon arrival and provide any necessary training to the group.

The final source of volunteers are people who perform services for the park and never report the activity. Most commonly this is a "well-intentioned citizen"

e.g., the citizen who weeds a garden each week, picks up trash on his or her daily walk, or any other of a number of actions. Because this individual has not been selected by the government entity, is not under the control and direction of the government entity, the liability to the government entity would be more limited. However, if the citizen makes improvements to the park, e.g. rope swing, mountain bike jump, the entity would want to take steps to correct the hazard and prevent a similar occurrence in the future.

It is important to understand who is volunteering, when they are in the park and what they are doing. Each of the situations listed above presents different risk factors. In all of these situations, the more information you have, the better you can deal with the exposures. The important take away is that the entity knows who its volunteers are and what role they play.

3. DIRECTION

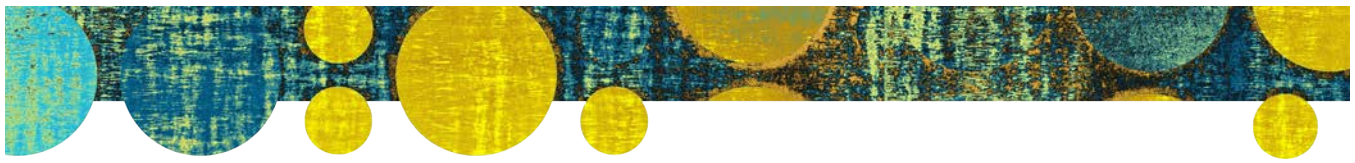
Volunteers are expected to be acting on behalf of, subject to the direction of and under the control of the entity, and such volunteer duties need to be assigned and supervised by the entity.

Providing clear direction and instruction of volunteers helps keep the entity in control of volunteers' activities. Supervision should be provided to ensure volunteers are performing the intended work at an acceptable level. Once volunteers complete duties for an entity, there may be opportunities to debrief and discuss their experiences. Valuable information can be gathered for future volunteer needs.

4. TRAINING

The type of volunteer work dictates the type of training a volunteer needs. Most emergency management activities, such as sandbagging and general storm clean up, require volunteers who are in reasonably good shape and able to handle the heavier work. In these situations, the training may be as basic as good lifting practices and an awareness as to the roles and location of fellow volunteers. A sheriff's posse member on the other hand, needs more specialized training, such as riding a horse and search and rescue skills.

Your entity needs to assess if volunteers must undergo



general training regarding prohibition of discrimination and harassment. As discussed above the type of training for different types of volunteers should be discussed during the planning stages. However, as the entity develops more experience with certain types of volunteers, the policies, procedures and training required should be reviewed and modified as necessary.

GENERAL RISK MANAGEMENT RECOMMENDATIONS

- Establish policies, rules and procedures for all volunteer positions.
- Where appropriate, conduct reference checks on volunteers.
- Maintain a file for each volunteer that includes essential information, including name, address, telephone numbers, emergency contacts, etc.
- Establish a process for registering all volunteers
- Provide proper training and orientation for all volunteers.
- Provide proper safety gear.
- Provide proper supervision of volunteers, especially minors.
- Consider restricting volunteers from access to money (mysterious disappearance of money may not be covered by MCIT) and other items of value.
- Address requirements of the Minnesota Government Data Practices Act in discussions with the county attorney or legal counsel.
- Conduct accident investigations when a volunteer is involved.
- Do not make payments to volunteers that could cause them to be viewed as an employee, e.g. daily stipend.

Volunteer Driving and Risk Management Advice

A number of risks arise when volunteers drive on behalf of your organization. A good risk management program includes the following.

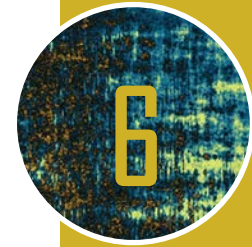
- Develop driver qualifications and apply them consistently.
- Obtain a copy of each volunteer's driver's license if he or she drives for the benefit of your organization.
- Obtain proof of auto insurance if a volunteer drives their own vehicle for the benefit of your organization.
- Check all member vehicles for safety.
- Advise volunteers that they are responsible for physical damage and liability losses resulting from the use of their personal vehicles while conducting your organization's business.
- Offer defensive driving training to volunteers who drive on behalf of your organization.
- Remind volunteers that they must wear seatbelts in accordance with the law.

Resources

The MCIT online Resource Library includes a number of articles related to managing the risks of volunteers:

- "Volunteer Drivers Using Personal Vehicles for Member's Business"
- "Volunteer Exposures and Coverage"
- "Managing Risks of Volunteers and Interns"
- "Interns: Coverage and Risk Management"
- "Workers' Compensation Coverage for Volunteers"

CAMP HOSTS

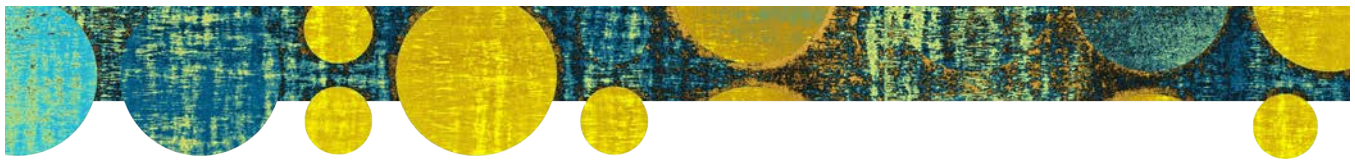


Minnesota Administrative Rule 4630.0300, Caretaker states: “A responsible attendant or caretaker shall be in charge of every mobile home park or recreational camping area at all times and the duty of said attendant or caretaker shall be to maintain the park, its facilities, and equipment in a clean, orderly, and sanitary condition”

Whether you call them “caretakers,” “camp hosts” or something else, every campground must have someone in charge of taking care of the facilities. This person may also take care of registration and other tasks. Larger facilities may have multiple people fulfilling this role. In any case, the public expects to find a clean, well-maintained and safe campground.

CAMP HOSTS





NUMEROUS STRUCTURES

The State of Minnesota does not set forth how the camp host role must be established, just that campgrounds need one. Each park can determine how it fulfills the camp host responsibility.

Some organizations consider its caretakers to be volunteers. For example, the Department of Natural Resources (DNR) and some smaller county parks offer free or discounted campsites for a predetermined amount of time to people who agree to perform the duties of the camp host.

Large systems that may have campgrounds at multiple locations often have a paid staff. Part of the staff's responsibilities includes the function of camp host.

Some parks may have an agreement with the caretaker that establishes him or her as an independent contractor. The agreement would outline the roles and responsibilities of the caretaker to include those of the camp host.

See Chapter 4 for more details about managing independent contractor relationships.

VOLUNTEER OR INDEPENDENT CONTRACTOR MAY PROVE TO BE AN EMPLOYEE

Whichever structure you chose determines whether the caretaker is a volunteer, independent contractor or employee. In addition to wage and hour issues, you must consider workers' compensation implications.

Some questions you may want to ask:

- What are the rights and responsibilities of each party: caretaker and park?
- If the caretaker is injured on the campground, who pays for the medical care?
- If the caretaker is receiving reduced rent of a cabin that functions as the caretaker's primary address, is this enough to qualify as an employee?
- What rights to the cabin/campsite does the caretaker have? If the caretaker is considered a tenant and the park a landlord, this would give the caretaker some additional rights and provide some limits on the actions that a park may take.
- How will the situation change if the park system chooses to terminate the caretaker?
- What notice must be given by either party to terminate the relationship?

- Is the reduction of rent a taxable benefit, a source of income or neither?
- What happens if the caretaker's spouse does some of the work of the caretaker? Would the spouse's conduct create an employment relationship and therefore qualify for workers' compensation?

As with any position that can be filled by a volunteer, independent contractor or an employee, the answers to these questions are not always easy to determine.

DUTIES AND PROCEDURES

To a large extent, the duties of the caretaker are defined by Administrative Rule Chapter 4630. They must take care of the grounds, and maintain cleanliness and sanitation. Other duties may include greeting new campers when they arrive and being accessible to campers during predetermined days and hours.

Camp hosts should follow established procedures for maintaining campground cleanliness, including the regular removal of refuse; safety; security; and emergency management. (See Chapter 8 for more about emergency action plans.)

As with the maintenance of other park facilities, record keeping helps ensure due diligence and is vital to the successful running of any campground.

Caretakers may be asked in some situations to advise campers of the rules of the campground. Caretakers are rarely given the authority or responsibility to enforce rules beyond contacting the appropriate authorities, such as law enforcement or DNR, when necessary.

Resources

The Office of the Revisor of Statutes*

- Minnesota Statutes Chapter 327—see 327.14-327.29, Manufactured Home Parks and Camping Areas
- Minnesota Administrative Rules Chapter 4630, Camps and Mobile Home Parks
- Minnesota Administrative Rules Chapter 6100, Outdoor Recreation, Department of Natural Resources

*This is not a complete list. Be sure to consult with the county attorney or other legal counsel to verify compliance with all federal, state and local laws.

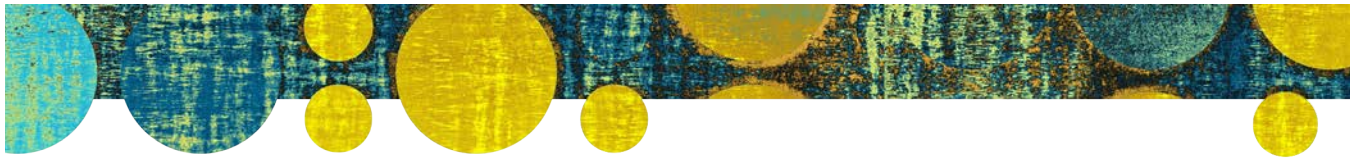
CAMPING

7

The development of a campground requires your organization to consider a number of issues, such as whether to allow just tents or also campers/recreational vehicles, the need for camp hosts and access to water, a policy regarding pets and horses, management of noxious weeds (e.g., poison ivy) and sanitation needs.

CAMPING





STATE AND LOCAL REQUIREMENTS

As with all topics, be sure you meet all state and local requirements. The Department of Natural Resources has a number of resources online in addition to its rules, which might affect your campground.

The Minnesota Department of Health (MDH) also has some regulatory authority over campgrounds. The MDH addresses issues ranging from the amount of fresh water accessible to each camp site to space between RVs if applicable.

You should review Minnesota Administrative Rules Chapter 4630, Camps and Mobile Home Parks to ensure compliance. Some of the topics addressed include caretakers (a.k.a camp hosts), RV spacing, domestic animals, water supply, plumbing, sewage disposal, toilets, bathing and laundry facilities, barbecue pits, fireplaces, stoves, incinerators, garbage and refuse, night lighting, licensing, inspection and camp fires.

Other major concerns pertaining to campgrounds are adequate drainage, sewage treatment, plumbing requirements, campsite access, Americans with Disabilities Act (ADA) accessibility requirements, maximum grade requirements for RVs, and so on.

REGISTRATION OF GUESTS

Minnesota Statutes, Section 327.11 requires the registration of all guests and vehicles that stay overnight, and Minnesota Statutes, Section 327.12 describes the record keeping requirements.

CARETAKERS/CAMP HOSTS

Both Minnesota Statutes, Chapter 327 and Minnesota Administrative Rules, Chapter 4630 address the need for a caretaker at each camping area. In some cases a caretaker must be accessible at all times.

See Chapter 6 for specific information about camp hosts.

ACCESS TO WATER

Recreational camping areas must provide access to drinking water within at least 400 feet of every campsite per Minnesota Administrative Rule 4630.0600, Subparagraph 3. Your campsite is also required to conform to design, quality and quantity of water specifications, and other issues. Be sure to verify compliance with all federal, state and local laws.

SANITATION

Campsites also must meet requirements related to sanitation. Minnesota Administrative Rule 4630.0900 gives ratios for the number of sites to the number of toilets, urinals, lavatories and showers, as well as for the requirements for disposal of certain other wastes.

See Chapter 11 for more details about sanitation.

POISON IVY AND NOXIOUS WEEDS

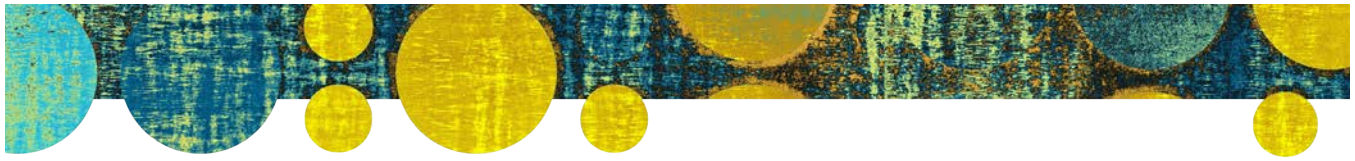
Ideally campgrounds are required to be placed in areas that are free of poison ivy and other noxious weeds. Of course, living in Minnesota, we know that poison ivy is common, especially in locations that seem perfect for a campground. If this is the case, you need to remove poison ivy or noxious weeds prior to establishing the campground.

**See Chapter 11 for details about sanitation.
See Chapter 12 for more information about groundskeeping.**

CAMPING AGREEMENTS

Similar to when you offer park facilities for rent (see Chapter 3), MCIT recommends having an agreement for all campers. The agreement should contain the responsibilities of each party, a hold harmless and indemnification clause to protect your organization, and campground rules. In certain situations, a waiver may be appropriate. As always, you will want to check with the county attorney or other legal counsel in developing an agreement.

While going through the agreement with the camper at



registration, it is good practice to discuss information such as available facilities, campground rules, camper expectations and emergency information. Be sure to answer any questions the camper may have, as well.

Resources

The Office of the Revisor of Statutes*

- Minnesota Statutes Chapter 327—see 327.14-327.29, Manufactured Home Parks and Camping Areas
- Minnesota Administrative Rules Chapter 4630, Camps and Mobile Home Parks
- Minnesota Administrative Rules Chapter 6100, Outdoor Recreation, Department of Natural Resources

*This is not a complete list. Be sure to consult with the county attorney or other legal counsel to verify compliance with all federal, state and local laws.

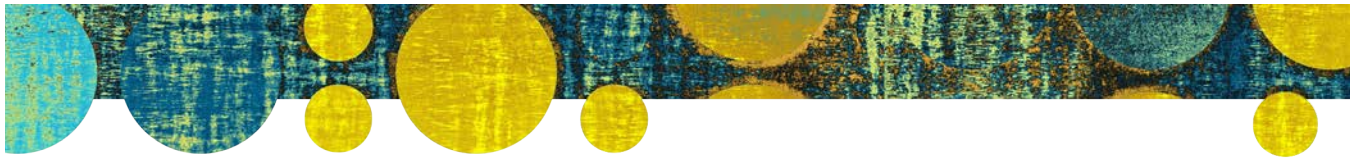
EMERGENCY ACTION PLANS

At any one time, a number of patrons, volunteers and employees are in your parks. When an emergency situation arises, you should have a written plan in place that details how to manage the crisis and alert those on park property.



EMERGENCY ACTION PLANS





The emergency action plan should detail the response procedures for various emergency situations that are likely to occur at the park. These include, but are not limited to, severe weather, fire, flood, personal threats and medical emergencies. For each emergency, the plan should detail:

- Employee and volunteer response procedures.
- Responsibilities of specific individuals.
- Emergency contact information.
- Other park-specific relevant information.

You should communicate this plan to all employees and volunteers and update it periodically. In addition to the written plan, it is prudent to post this information in an easy-to-use format, such as emergency procedure flip charts. Place the information in conspicuous areas that are readily available for employees and volunteers. These tabbed charts make it easy for people quickly to look up each category of emergency and find step-by-step response procedures.

EVACUATION

In the written emergency action plan, you should include evacuation procedures. You should give special consideration to formulating these procedures.

Although it is essential to alert park patrons to an emergency in a timely manner, the evacuation procedures must be developed to address the specific circumstances of the property. Be sure to consult with your county emergency manager and legal counsel when drafting evacuation procedures.

If evacuation procedures direct patrons to storm shelters, those details should be conspicuously posted to inform the public.

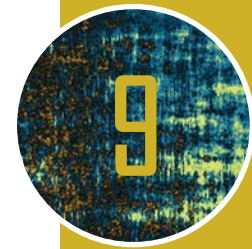
STORM SHELTERS

Although there are no rules or regulations requiring installation of emergency shelters in parks, the Minnesota Department of Labor and Industry provides guidelines that govern the standards of design as it applies to manufactured home park storm shelters. These guidelines may be helpful when considering adding storm shelters to your property.

Resources

- Minnesota Administrative Rules, Chapter 1370, Manufactured Home Park Storm Shelter Design
 - Evacuation Plans and Procedures eTool from the Occupational Safety and Health Administration
-

SECURITY



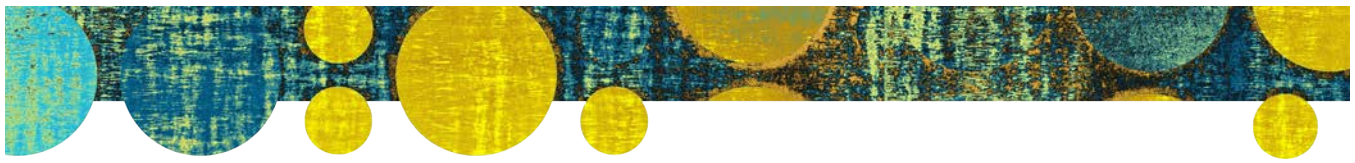
Among other expectations, park users want a sense of safety and security. Theft, vandalism and arson are some of the more common criminal activities that parks experience. In addition to the damage and liability, these activities can create a negative perception of the park and make patrons wary of using the park. Your organization should establish procedures to protect people and property and to discourage criminal elements. These procedures could include: environmental design, increased security presence and signage.

ENVIRONMENTAL DESIGN

The design of the park can have an impact on crime. You can take a number of actions to reduce a criminal's opportunity for mischief. Opening sight lines to parking lots, playgrounds, buildings and equipment makes it more likely for illicit activity to be noticed, and

SECURITY





hence less desirable. This “natural surveillance” could also be heightened by a positioning of windows in public buildings toward targeted areas, and the addition of lighting or even cameras. The idea is to create more of a visual connection between the targeted area and other people.

You should also pay attention to eliminating areas that could hide criminal activity: shadowed alcoves, concealed spaces between structures or equipment, overgrown vegetation around buildings, etc.

Maintenance of the grounds and equipment is important to the security of the park. When equipment looks old and unused and the grounds look blighted or overgrown, it can indicate that your organization has little concern for or control of the park and imply a greater tolerance for disorder. This not only deters citizens you want to use the park, but can also invite the wrong kind of crowd.

Controlling access through natural or artificial means is another way to increase security through environmental design. The use of gates and fences allows more control of access and makes it more difficult to enter areas where criminals may desire to go. Although fences can be used to keep people out of a given area, they may also keep them in. Installing a fence around a playground may be an effective way to keep children from wandering into more hazardous areas. Natural boundaries such as gardens, shrubs, water and rock walls can also act to deter access.

PRESENCE OF SECURITY AND PATROLS

Including a visual presence of security can often deter criminal intentions. A security shack at the entrance to the park may be enough to make miscreants think twice about entering the park. The presence of patrols or park employees are also a means to increase a visual security presence.

Consider working with your sheriff’s office to set up patrols within the park. The presence of drive-bys is a powerful deterrent to mischief. This is especially true in areas where illicit activity has been occurring. Increased security presence during times of higher park usage or at special events may also be prudent.

Camp hosts and volunteers can also act as extra eyes and ears within the park. In addition to staying vigilant for safety hazards, these groups can watch for signs of illegitimate activity and report it to the proper authority.

SIGNAGE

Signage serves an important role in maintaining the security of the park. Place it where intended users can readily see it. Standardized signage, using universal pictographs, lettering and design, should be legible and easy to understand. As with other structures and equipment, you should periodically inspect signs and keep them in good condition.

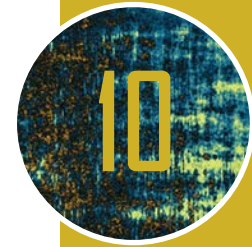
Signage can be used a number of ways:

- To make park patrons aware of rules, regulations and conduct expectations within the park. These signs are often posted at park entrances, trailheads and other activity areas.
- To make park patrons aware of hazards. When other means to mitigate safety hazards have been exhausted, signage should be installed to warn of the danger.
- To make the public aware of other safety concerns. In areas where illicit activity may be taking place (theft from automobiles, vandalism, etc.) signage can target two groups. The first group is park patrons. You could post signs that encourage safety practices, such as “Keep your vehicles locked” or “Secure your valuables.” The second group is criminals. Signs could advertise increased security in the area.

ENFORCE RULES

When you find people engaged in activities that are counter to the rules and regulations of the park or ignoring posted warnings, it is in the best interest of your organization to enforce your policies. Turning a blind eye to these activities can potentially increase the liability exposure of the park.

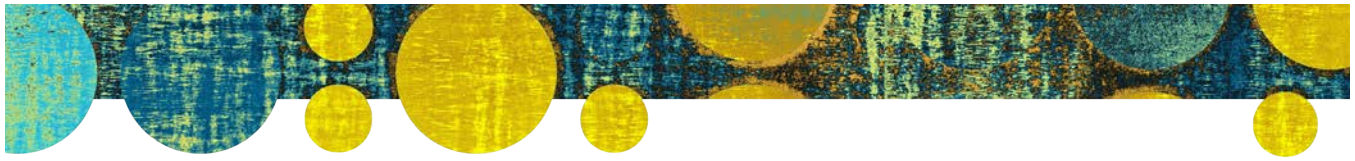
ALCOHOL POLICIES



Parks are often used for family reunions, rallies, weddings and other special events. For many of these, event organizers would like to serve alcohol. However, consumption of alcohol on park property poses a number of potential risks. It is best to develop a policy regarding alcohol use in your parks and recreation areas, and enforce the policy consistently.

ALCOHOL POLICIES





Alcohol policies in parks are as varied as the counties in Minnesota. Some ban alcohol outright. Others allow only beer and wine. Some policies require special permits from the park. Others limit the areas where alcohol can be consumed. Still others impose limits only on large groups, requiring proof of insurance, licensed bar tenders and a license if alcohol is to be served.

Developing an alcohol policy is a local political decision. No matter what the decision is, it will upset some people; therefore, the policy needs to be well-thought out and approved by the park's governing board.

RECOMMENDATIONS

MCIT does not have a specific recommendation regarding the direction your organization should take in adopting an alcohol policy, but MCIT does suggest that your organization follow these recommendations at a minimum:

- The policy decision should be made by the board and in consultation with the county attorney or other legal counsel.
- The policy should comply with all federal, state and local laws.
- You should post the alcohol policy throughout the park in highly visible locations.
- You need to enforce the alcohol policy consistently.
- You should address the policy in all appropriate written agreements.

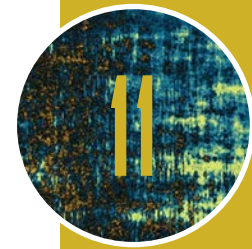
CONSIDERATIONS

To help you develop the best policy for your parks and recreation areas, consider the kinds of interactions that occur on your property(ies) and the types of events that take place there.

Examine as many possible scenarios as possible when developing your alcohol policy and ask the following questions:

- What is the local public opinion regarding alcohol use in parks and recreation areas?
- What activities occur in the park that might create more of a demand for alcohol use?
- Could alcohol use compound hazards of certain park activities (e.g., swimming, diving, boating, hunting)? Especially regarding large groups, keep in mind this question: Who is responsible for cutting off someone who has had too much to drink?
- Are there high-hazard areas where it might be prudent to limit or ban alcohol consumption?
- What resources would it take to ban alcohol entirely from the park and to enforce the ban?
- What resources would it take to partially ban alcohol and to enforce that policy?
- Would more law enforcement presence be needed if alcohol is allowed?
- What resources would it take to patrol and regulate park activities if there were no limitations on alcohol?
- Should the park require use of a caterer or licensed bartender?
- Should the park require insurance coverage of event hosts, especially if alcohol will be served?
- Should the park require a liquor license or park permit of park users when they serve alcohol?
- Should the park require a licensed bar tender if alcohol is being served?
- How will the park post the policy and where?

SANITATION



GENERAL BEST PRACTICES

Aside from all other expectations of a park, the public expects to find clean, well-maintained and safe facilities. Maintaining sanitation in a park requires planning and forethought.

Attention should be paid to establishing processes and schedules for maintaining the cleanliness and the sanitary conditions of the park. Procedures and routines for picking up and removing litter and trash and recyclables should be established, evaluated and adjusted as needed so that discarded objects do not interfere with the public's enjoyment of the park.

SANITATION



Procedures

Establishing procedures will help avoid problems that can plague your parks such as having a rundown appearance, or an infestation of flies, bees, mice, rats and other animals. Be sure to include plans for:

- Collecting trash and recyclables.
- Collection of ashes.
- Park clean-up.
- Cleaning of facilities.
- Regular maintenance and record keeping.

Be aware of and comply with state, local and federal laws related to sanitation. Some areas may have specific requirements for trash receptacles, such as being fly- and waterproof.

Also, create a plan to evaluate cleanliness of the park. It may take several adjustments to the frequency with which these activities are performed to determine the proper schedule to keep the park clean and sanitary. You may also find that you have to adjust your schedules multiple times during the year based on the actual number of visitors you receive.

Resources

Some of the Minnesota laws and administrative rules most relevant to sanitation at public parks are:*

- Minnesota Statutes Chapter 327: See 327.14-327.29, Manufactured Home Parks and Camping Areas
- Minnesota Administrative Rules Chapter 4630, Camps and Mobile Home Parks
- Minnesota Administrative Rules Chapter 4720 Public Water Supplies
- Minnesota Administrative Rules Chapter 4725
- Minnesota Administrative Rules Chapter 6100, Outdoor Recreation, Department of Natural Resources

*This is not a complete list. Be sure to consult with the county attorney or other legal counsel to verify compliance with all federal, state and local laws.

DRINKING WATER

Some locations are easier than others to provide potable (drinkable) water, whether it be through modern municipal water supplies or a pump and well. It is probably easiest to plan for and install drinking water installations early in the park development process. Each situation is different, so it is important to consider plans for use of park space and also to anticipate future expansion.

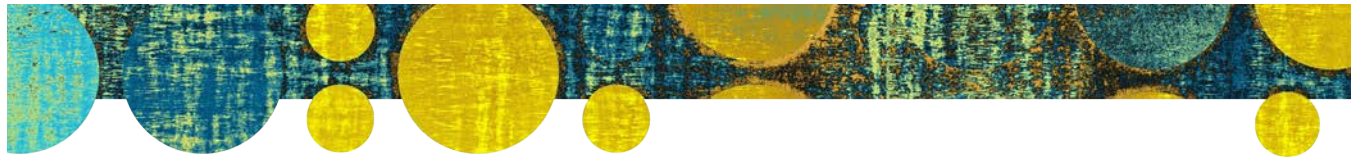
Considerations such as federal, state and local laws are also important. Some other issues you should consider in relation to drinking water needs include, but are not limited to:

- Size of the park.
- Facilities and amenities available.
- Projected number of park users by season.
- Proximity to potable water.

In your review of these laws and ordinances, you may find that you are in a situation with specific



requirements for access to potable water, such as with some campgrounds. Some of the requirements are as detailed as the daily quantity of water and proximity to the source of water. In cases like this, supply of



drinking water may end up being a limiting factor in facility design.

In all cases, like with other amenities and facilities, you should plan for maintenance, inspection of equipment and record keeping. You should also establish a

procedure for testing drinking water quality and assuring the safety of the water. As with other aspects of planning, consult with the county attorney and verify that you are aware of any federal, state and local requirements for water testing.

TOILETS AND VAULT TOILETS

Toilets

One of the first questions to answer in regards to installing toilets and clean water in a park is whether or not either one or both are required.

If there is a requirement, then there will often be dictates as to the number of facilities with details as specific as the number of commodes or urinals that need to be installed. Next you will have to determine if temporary facilities would suffice or if something more permanent would be required.

Even if not required, toilet facilities may be desirable. Like all other equipment and facilities, proper cleaning and maintenance should be planned and implemented.

Vault Toilets

A typical vault toilet has a vault buried in the ground to collect waste. A concrete slab is poured in place directly over it. The building is installed on the slab with connections to the vault for the toilet and vent pipe. When designed correctly, this type of system provides a relatively odor-free toilet that requires no running water and can be an efficient lavatory solution for park settings. Proper maintenance helps keep odors to a minimum and reduce hazardous exposures.

TOILET SANITATION

Proper sanitation for toilet facilities is especially important due to picnic activity that often occurs in parks. Vault toilets usually do not have running water for washing hands. Consider securely installing a waterless hand sanitizer dispenser. These types of dispensers are commonly found in rented portable toilets.



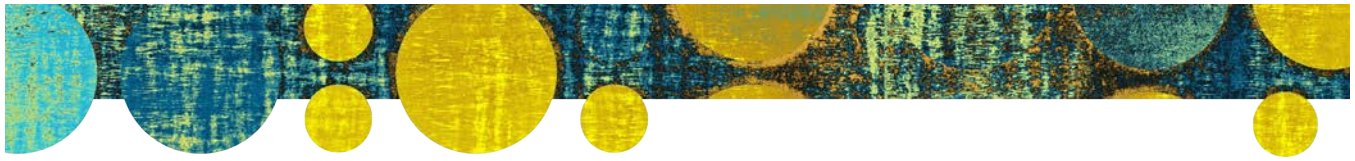
Place the toilet on an inspection, cleaning and resupply schedule. The inside of the structure should be periodically washed down with a bleach-based cleaning solution. Maintaining the water level within the waste vault above the waste level and using proper chemicals and additives will help reduce the odor and fly population.

TOILET SEAT

The toilet seat must be able to close securely. An open pit can increase the odor within the structure and attract flies and pests. The lack of a cover also increases chances that a small, unattended child could accidentally fall into the pit. Install a hinged cover over the pit opening. Also, rig the cover so that it is self-closing.

VANDALISM

Vault toilets are often targets of vandalism. Consider vandal-resistant materials for construction of the



facility, such as precast concrete, concrete masonry block and brick. In addition, trash thrown into the containment vault can clog pumps used to empty chamber contents. Post a sign that reads “Please don’t discard trash in toilet” to help mitigate this problem.

Vault Toilet Resources

- “In Depth Design and Maintenance Manual for Vault Toilets” produced by the Forest Service, U.S. Department of Agriculture
- “Guidelines for the Selection of a Toilet Facility” produced by the Forest Service Technology and Development Center, U.S. Department of Agriculture

PLANTS AND ANIMALS

Flies, Bees, Bugs and Other Nuisance Animals

Proper planning for sanitation is key to keeping other nuisances under control. Who has not had a picnic ruined by the arrival of too many bees or other insects? Collection and removal of trash, litter and recyclables helps keep the many nuisance animals under control.

In addition to insects and small mammals, there are areas of the state where raccoons, coyotes and bears can wreak havoc in a public park. Every effort should be made to dissuade these animals from being comfortable around park patrons.

Poison Ivy and Other Noxious Plants

In examining the regulations established for parks and campgrounds, you will discover that there are a number of regulations that vary depending on the specifics of the location, and this is true for poison ivy and other noxious plants.

In some instances, there is a requirement that campgrounds be placed only in areas free of poison ivy and other noxious plants. Anyone considering a park should take this into consideration. Even if there is no requirement for your particular situation, it may be advantageous to identify areas free of plants considered noxious or take efforts to eradicate them prior to developing the land for use as a park.

GROUNDSKEEPING

12

GROUNDSKEEPING BEST PRACTICES

To keep parks looking good and free from hazards, such as dead limbs, rotting trees and overgrown trails, you must employ good groundskeeping measures. Because there are so many groundskeeping operations, different types of equipment are required. Each piece of equipment may pose inherent hazards. You should have procedures in place to promote the safe use and care of the equipment.

GROUNDSKEEPING





TRAINING

Inexperienced workers should never operate equipment until they have been properly trained. Both park employees and volunteers should be trained on equipment use and care. Groundskeepers should be familiar with the owner's manual for each piece of mechanical equipment and know how to disengage and stop it quickly in the event of an accident.

In addition employees should learn how properly to wear or use the personal protective equipment (PPE) necessary to perform a task safely. If a task has specific risks related to its performance, the employee or volunteer needs to understand how best to protect him- or herself from the hazard.

Records of these and other hazard exposure training must be retained for a minimum of three years as required by the Employee Right to Know Act of Minnesota.

GENERAL SAFETY

In addition to being a part of training, the following safety items should always be addressed.

- All equipment should be carefully inspected for loose, broken or damaged parts. Repair or replace the equipment prior to use.
- Electrically operated equipment must be properly grounded or double insulated.
- Always check the work area for potential hazards. Remove debris that could potentially be thrown by the equipment.
- Never operate gasoline- or diesel-powered equipment inside a building, unless appropriate ventilation is provided.
- Pay attention to weather conditions; and adjust clothing, personal protective equipment and the work detail to mitigate harm.
- Never remove or tamper with discharge chute or other factory-installed safety guards.
- When fueling or refueling, always:
 - Use flash-proof safety cans.
 - Make sure equipment is turned off and power supply is disconnected.
 - Allow engine to cool down.
 - Open fuel cap slowly to release pressure.
 - Fill outside and clean up spills immediately.

PERSONAL PROTECTIVE EQUIPMENT

You should analyze all groundskeeping tasks and determine the kinds of PPE to be used for each specific operation. You should always observe OSHA standards for PPE. These are some basic guidelines:

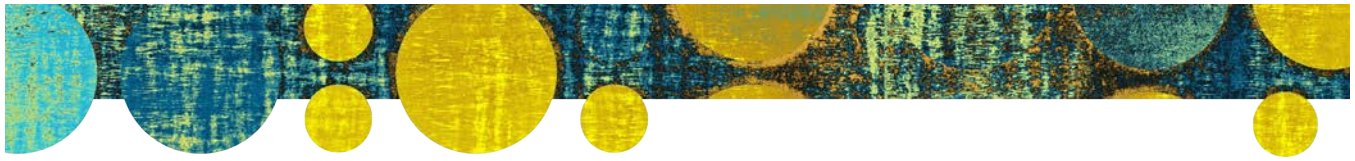
- Properly fitted, long- or short-sleeved shirts and long pants can protect from scratches, cuts and bites, as well as help prevent injury from the sun.
- High-top, lace-up shoes and boots with traction soles and steel-reinforced toes provide support and protection to toes, feet and ankles. Chainsaw boots require higher standards.
- Face shields or goggles protect eyes from dust or flying particles.
- Wraparound glasses or safety glasses with side shields protect against flying particles and can be equipped with UVA and UVB protection to reduce exposure to the sun's rays.
- Appropriate hearing protection (ear muffs, ear plugs) help provide protection from noise produced by equipment.
- Proper respiratory equipment may be necessary in extremely dusty conditions.
- Gloves should be selected based on the task to be performed. Different glove styles provide hand protection from hazards, such as cuts, scrapes, chemical/thermal burns and vibrating equipment.
- A high-visibility vest must be worn if working near vehicular traffic.

CHEMICAL SAFETY

When using chemicals, it is important that all containers are labeled properly and that safety data sheets (SDS) are readily available for each material. Read all SDS carefully before using a material to understand use, hazards, first aid, proper PPE and other information. Chemicals can be carried on clothes. Employees should bring an extra set of clothes and wash contaminated clothing separately.

SPECIFIC TO CHAIN SAW USE

Given the number of trees that must be maintained in parks, chain saws are an essential piece of equipment. Groundskeepers must be trained on their use, wear appropriate protective equipment and keep the chainsaw in good, working condition. OSHA logging



operation standards must also be followed, even if employees are simply trimming and clearing branches and brush.

Training

Before using a chainsaw, employees must be formally trained in hazard recognition, and the safe use, operation and maintenance of tools, machines and vehicles. This is OSHA-required training, and you should keep records of this training.

Personal Protective Equipment

Essential to the safe operation of a chainsaw, the following clothing and PPE should be worn, depending on the specific hazards to which an employee is exposed.

- Clothing should be close-fitting with no loose material.
- Gloves must be made of a material that is cut and puncture resistant. Gloves offer a good grip on the chainsaw and absorb some of the vibration, as well as offering protection for the hands. Gloves also help prevent cuts when sharpening the saw.
- Leg coverings must be made of cut-resistant material, such as ballistic nylon, that covers the full length of the thigh to the top of the boot on each leg.
- Footwear must be made from cut-resistant materials that offer protection from contact with running chain saws. Footwear should cover and support the foot and ankle, be waterproof or water repellent and offer adequate traction.

- Safety glasses with side shields and a face shield should be worn to protect the eyes and face.
- Ear muffs or ear plugs should be used to protect hearing.
- Hard hats should be worn. Chainsaw helmets are also available that provide head, ear and face protection.

First Aid and CPR Training

Every employee in the work area where chainsaws are in use must be trained in first aid and be CPR-certified. In addition, there must be first-aid kits at each work site and in each vehicle. The number of first-aid kits and the content of each kit should reflect the number of employees and the hazards reasonably anticipated at the work site. OSHA requires a minimum amount of materials in these first-aid kits. The list of first-aid materials can be found in OSHA regulation 1910.266 App A.

EQUIPMENT CHECKLISTS

Because of the greater risk inherent when using certain kinds of equipment, more detailed safety checklists are included in the Appendix. These can be used by groundskeeping staff and volunteers.

ARCHERY RANGES

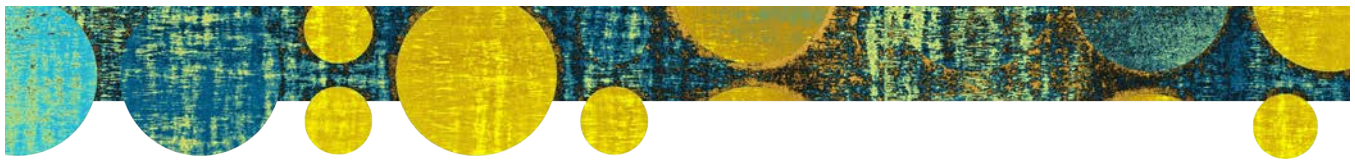
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At its most basic, archery can be defined as shooting at a target with a bow and arrow. Target archery, using bulls-eye style, multi-colored targets at set distances are found at most ranges. However, parks often add field archery and 3-D archery in addition to traditional target archery.

Field archery is a course set in the woods with targets at ranging distances. 3-D archery includes the use of animal targets in place of paper targets. Often, ranges will combine components of each of these types of archery.

ARCHERY RANGES





It is important that you consider the layout of the course during its design to mitigate safety risks. In addition to periodic inspection and maintenance, you should incorporate signage and other controls as most archery ranges in parks are unstaffed and unsupervised.

DESIGN

When considering adding an archery range to your park, a carefully planned layout and design can help eliminate many safety hazards. Consideration should be given to consulting a professional range architect. When designing the archery range, consider the following:

- The areas adjacent to the range—Are there walking paths, roads or other activity areas near the site of the range that could be within range of a misfired arrow?
- The topography of the area—Can natural features be incorporated into the range that create safety barriers? Utilizing downhill slopes on field archery ranges creates natural backstops behind targets.
- Controlled access—To reduce the chance of people wandering onto the range, access should be controlled. Often natural barriers should be sufficient, but fencing may be required in more populated areas.
- Safety buffer zones—Cleared areas should be created on each side of the range and behind the targets. The dimensions of these zones will vary with the type and distance of each range.
- Adding barriers—Earthen berms, netting and walls may need to be added if space is limited. Netting is fabricated from a number of materials but should only be used in designated areas for low-weight bows or as a secondary barrier. No netting can stop all arrows fired from higher weight bows.
- Paths between shooting lanes—These should be clear and free of obstruction.
- Entrances and exits to each range and shooting lanes—These should be well-defined and clearly marked.
- Shooting lines—These should be clearly marked and defined. Ample space should be given for the shooting line. If the archery range will experience heavy use, consideration should be given to creating a waiting and spectator area behind the shooting line.
- Broadhead arrows and crossbows usage—This equipment causes more damage to targets because of their design and force. Special shooting lanes should be created for this type of archery with attention given to stronger target design.

SIGNAGE

As most archery ranges at parks are unstaffed, signage is important to indicate proper conduct and rules of the range, as well as to provide warning of danger zones. Signage you should consider:

- Signs posted along perimeter of range to warn public of danger zones. These same signs should be placed on field archery courses to indicate unsafe zones when searching for arrows.
- General rules signs, indicating rules, procedures and range etiquette.
- If broadheads or crossbow areas are in place, signage should indicate those designated areas.

INSPECTIONS AND MAINTENANCE

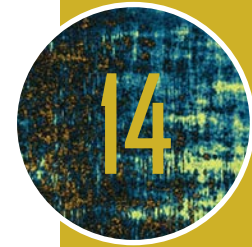
You should conduct inspections of the range periodically based on volume of use. These inspections may include, but are not limited to:

- Target condition—Targets should be stable and braced. The target frame should be free of splinters, and the backing materials should not allow arrows to pass through the target.
- Paths and shooting lanes—They should be clear of debris and other tripping hazards.
- Harmful vegetation, bee's nests and other natural hazards—These should be removed.
- Safety buffer zones (area behind the targets)—These should be cleared of debris and stray arrows.
- Signage—It should be in place and readable.

RESOURCE

"Archery Park Guide" from the Archery Trade Association is a detailed manual for parks and recreation agencies deciding whether to provide an archery park.

BLEACHERS

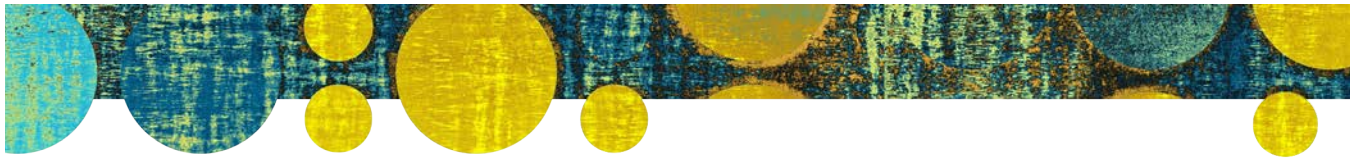


Bleachers and grandstands provide tiered or stepped seating for the public. They come in various configurations and sizes. They can be permanent, portable, telescopic/folding or temporary. Bleachers can be made of wood, metal, plastic, concrete or a combination of materials.

When considering bleacher safety, regular inspection and maintenance should be performed and recorded. Special attention should be paid to the Minnesota Bleacher Safety Act, which requires

BLEACHERS





certified inspections for bleachers greater than 55 inches in height.

Items for regular bleacher inspection:

- Seats and handrails should be free from splinters and protruding hardware.
- Metal components should be free of interior or exterior rust that can weaken the structure.
- Steps should be slip resistant.
- Supports or brackets should be sound with no broken or deteriorating components.
- Foundations and anchors should show no evidence of deterioration or degradation.
- Floorboards should show no evidence of rotten or missing boards.

MINNESOTA BLEACHER SAFETY ACT

- Bleachers greater than 55 inches in height must be inspected by a state-certified building official or state-licensed design professional.
- Bleacher footboards and guardrails must be re-inspected every five years, and a structural inspection must be made at least every 10 years or per local municipal requirements if more stringent.
- The completed certificate of compliance signed by either of the above professionals should be obtained and submitted to the Minnesota Department of Labor and Industry.

The Minnesota Bleacher Safety Act also requires that bleachers conform to certain design standards:

- No bleacher openings should exceed 4 inches. This includes open spaces between footboards, seats and guardrails.
- Guardrails should protect bleachers at heights above 30 inches. The top of the guardrail should be at least 42 inches above the leading edge of the adjacent footboard, seatboard or aisle.
- Guardrails should discourage climbing and be designed to prevent accidents. If chain-link fencing is used, it should be constructed of 2-inch nominal chain link that is at least 11 gauge in size.

RESOURCES

- "Complying with the Minnesota Bleacher Safety Act": MCIT Resource outlining the Minnesota Bleacher Safety Act and identifying risk management recommendations for bleacher safety
- Minnesota Bleacher Safety Act Certificate of Compliance: Bleacher certification form and details of Minnesota Bleacher Safety Act

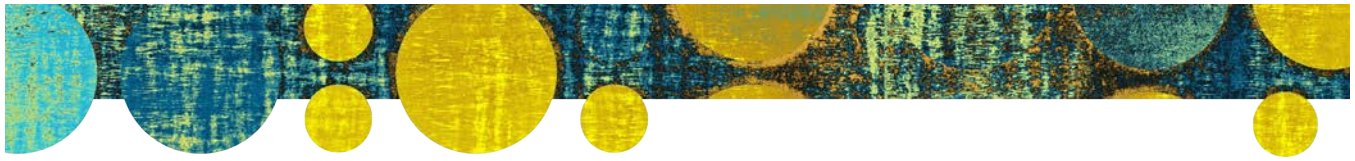
DISC GOLF

15

Disc golf is played much like traditional golf. Instead of a ball and clubs, however, players use a plastic flying disc or Frisbee®. A golf disc is thrown from a tee area to a target, the “hole,” which often consists of a metal stanchion with basket. When considering adding a disc golf course, the following safety concerns should be addressed.

DISC GOLF





COURSE DESIGN

- Disc golf courses require a fair amount of land. A typical course requires approximately one acre of land per hole. When situating a course, consider its proximity to walking paths, parking lots and other areas where the flight of discs could affect people or property.
- The topography of the course should be examined to mitigate obvious trip and fall hazards. Steep slopes, sharp drop-offs and other hazardous terrain features should be avoided.
- Tee boxes should be constructed of slip resistant material and designed to alleviate tripping hazards.
- A qualified professional can help design a course with safety in mind.

INSPECTIONS AND MAINTENANCE

A disc golf course should be routinely inspected and maintained. The inspections and maintenance activities should be recorded and retained. Inspections should include attention to:

- Wear and tear of tee boxes and hole markers, noting sharp or protruding hardware or erosion that exposes tripping hazards.
- Potentially hazardous branches and limbs overhanging the play area.
- Condition of fairways.
- Harmful plants and pests on course.
- Vandalism of signs and equipment.

RESOURCE

More information about the game of disc golf and design and development of courses can found through the Professional Disc Golf Association website at PDGA.com.

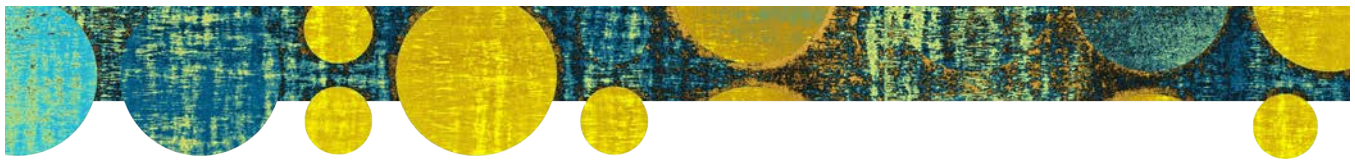
GEOCACHING

16

Geocaching is an activity where people use the Global Positioning System (GPS) to locate a cache. A cache is typically a trinket and log book placed in a waterproof container, bag or small can hidden in a hollow tree, under a rock or in a wooded area. Caches are listed on the Internet at Geocaching.com by people who choose to place them at a specific location, allowing others to track that cache, take a trinket and often replace it with something new and sign the log book. It allows geocachers to use today's technology while experiencing the beauty and recreational opportunities within your park systems. Often these enthusiasts follow the "cache in/trash out" code of conduct and help keep parks clean.

GEOCACHING





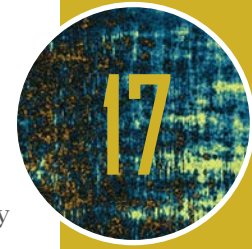
Geocaching.com is a resource that can be used to identify caches within your parks, to receive notifications when new caches are placed there and to communicate with geocachers in your area.

GEOCACHING GUIDELINES

Your parks may already have hidden caches. If geocaching is allowed, guidelines should be written into policy and enforced. To better control this activity, consider adopting the following guidelines:

- All caches should be registered and approved through the Parks Department before being placed and published.
- Caches should not be allowed on regional trails or in campgrounds, beaches, picnic areas, playgrounds or areas that are environmentally sensitive.
- Caches should not be buried or otherwise harm vegetation and park facilities.
- Access to caches should be subject to park ordinances, including hours of operation and daily parking fees.
- Caches should not contain items that are offensive to others, illegal or dangerous, including firearms and drugs.
- Caches should contain no food or alcohol.
- Caches should be separated by a distance of at least one-tenth of a mile (approximately 500 feet).
- Caches should be located near existing trails.
- Caches should not be placed in areas that could potentially cause harm to visitors trying to locate the cache. For example, these would include areas where geocachers would risk climbing and falling.
- Caches should be permitted for a set period, often one to two years. The cache should then be removed or renewed for another period by the person who placed it, or the Parks Department may remove the cache.
- The Parks Department should retain the right to check and have any cache removed by the person who placed it or by park staff.
- Individuals placing caches are responsible for monitoring and maintaining them.

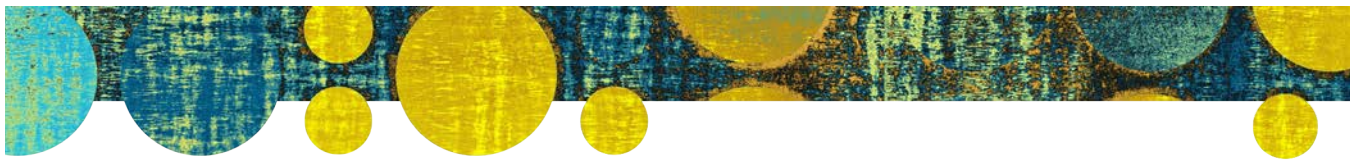
HUNTING



Traditionally, hunting in Minnesota has taken place on land owned by private groups and federal and state agencies. Prevalent in northern Minnesota, county-managed tax-forfeited lands have also been open to hunting. As more county parkland is acquired, requests for hunting on those lands have grown.

HUNTING





Your organization should give strong consideration to creating and implementing a policy to address potential risk exposures that might arise from hunting on county parkland.

DETERMINE THE RISKS

Hunting is primarily regulated by the Minnesota Department of Natural Resources. The DNR provides guidance on its website and in its publications as pertains to hunting regulations, licensing and where a hunter may go.

When opening parkland to hunters, your organization should consider the following:

- Are there state or local ordinances that govern hunting in the proposed area?
- What are the adjacent land uses? Are the proposed hunting lands near populated areas, roads, trails, structures or other forms of recreation? Is there enough distance or other buffers to protect people and property from accidental weapon discharge?
- What type of hunting will be allowed, if any? Will you restrict the types of firearms and weapons?
- If hunting is permitted in areas with general public access, will you restrict access? Will portions of the park be closed during times of hunting?

If hunting is permitted on lands used by the public for other purposes, you need to have a means to make those park users aware of the activity. Signage should be installed to make the public aware of the times, dates and locations of hunting activity. These signs should be placed in conspicuous locations around the park for greatest visibility and awareness. You should also consider restricting access to the park during times allowed for hunting.

ESTABLISH RULES AND PROCEDURES

Hunting rules and other information should also be included in the description of the park on the county's or entity's website or other publications.

In addition to protecting park users, you should have a means of controlling the number of hunters on your parkland. Consider a permit to hunt on your parkland. Permitting allows better control of the activity. Your organization should enact rules and regulations relative to the number and qualifications for obtaining a permit prior to issuing permits. When granting a hunting permit, it is prudent to include a waiver and a hold harmless and indemnification agreement. Consult your legal counsel when establishing a permit process.

Establish rules prohibiting the improvement or altering of the land, such as prohibiting hunting structures and stands, so as not to alter the natural features of land. You should also prohibit clearing or trimming of trees for sight lines. Also be sure to spell out rules for ATV and other vehicle use.

Resource

Hunting and Trapping page of the Minnesota Department of Natural Resources website includes a variety of information about these activities' licensing and regulations.

OFF-LEASH DOG RECREATION AREAS (DOG PARKS)

18

Off-leash dog recreation areas are designed to provide both safe and fun places for dogs and their owners to exercise, play and socialize.

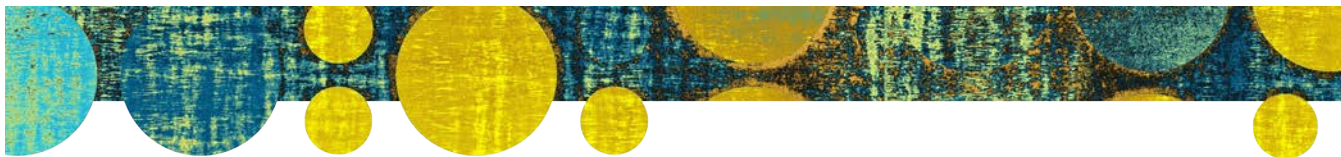
DESIGN CONSIDERATIONS

The following design features should be taken into account to increase the safety of off-leash dog recreation areas to both guests and canines:

- Consider artificial or natural barriers to encourage dogs to remain in a designated area. Smaller areas or areas near neighborhoods may necessitate a fenced enclosure. Natural buffer zones may provide sufficient enclosure in larger areas. When determining barriers, keep in mind traffic and other adjacent uses.
- Separate recreation areas should be provided for small and large dogs. Small dogs can be fearful of or intimidated by larger dogs. Each area should have its own entry.



OFF-LEASH DOG RECREATION AREAS



- A double gated, sally-port style entry offers dog owners a chance to leash and unleash their pets in a neutral, safe area. These entry/exit areas should be compliant with the Americans with Disabilities Act (ADA). More than one gated entry may be needed for larger recreation areas.
- Signs should be placed and visible at each entry. Recreation area hours, contact information and park rules should be posted. The following are a list of rules to consider:
 - Dogs must be currently licensed and vaccinated.
 - No dogs under 4 months old.
 - Dogs must be leashed when outside the recreational area.
 - Dog handlers must be in control of and in visual contact with their dogs at all times.
 - No unsupervised children under the age of 14.
 - No pet handlers under the age of 14.
 - No more than three dogs per handler.
 - No aggressive dog behavior.
 - No female dogs in heat.
 - No food, drink or smoking in recreation area.
 - Owners must pick up and properly dispose of their dog's waste.
- Ground covering should stand up to high traffic and not be harmful to dog paws. Grass, decomposed granite, bare soil and other organic coverings, such as are used on playgrounds, are often used. Ground covering should be chosen with consideration to drainage, maintenance and ease of spotting and removing droppings. All vegetation growing within reach of dogs should be dog-friendly and not poisonous.
- Cleanup stations, including trash receptacles and dog waste bag dispensers, should be designed and placed to encourage good sanitation.
- A potable water source for both dogs and humans should be considered. This water source needs good drainage, should be ADA compliant and be designed to prevent contamination.
- If benches are included in the design of the recreation area, do not place them too close to the fencing as they may be used by dogs to jump over the barrier.

INSPECTION AND MAINTENANCE

You should have a regular inspection and maintenance schedule in place. If a problem is found, you should note and fix it as soon as possible. Keep records of problems found and the remedies made. The employee responsible for the fix should sign the record. The following should be inspected.

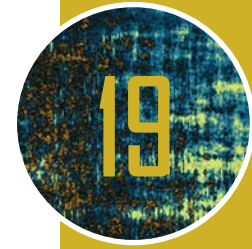
- Signage: Signs should be replaced if missing and be kept clean and legible.
- Fencing: Regular inspection of fencing should look for sharp or protruding hardware, gaps greater than 3 inches and loose support poles or fence components.
- Ground covering/surfaces: Area should be inspected for drainage issues, inadequate surface materials and holes dug by the dogs.
- Vegetation: Trees and shrubs should be maintained in a safe condition, and weeds should be controlled. If using a chemical weed control, make sure it is safe for dogs.
- Sanitation: Trash receptacles should be emptied regularly and waste bag dispensers refilled when needed. Frequent inspections should be made of the grounds and dog waste removed when found. Local dog associations and volunteers may be a good source to help with sanitation efforts.

RESOURCE

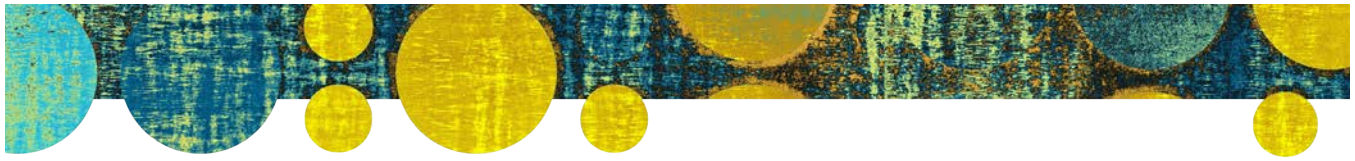
"Guidelines for Establishment and Maintenance of Successful Off-leash Dog Exercise Areas" produced by the Program in Veterinary Behavioral Medicine, Center for Animals in Society, School of Veterinary Medicine at the University of California Davis

ORIENTEERING

Orienteering is an activity where participants find their way to various checkpoints throughout a park with the aid of a map and compass. Though often pursued at a leisurely pace, orienteering can be a timed event, combining navigation and racing. Though this activity involves a minimum of equipment, you should consider the following guidelines.



ORIENTEERING



COURSE DESIGN AND INSPECTION

- The layout of the course should be designed with safety in mind. Though rough country adds to the challenge of the activity, obvious safety hazards should be avoided. Steer clear of positioning the course near steep escarpments, dangerous vegetation and other conspicuous hazards.
- When hazards cannot be avoided, make the participants aware of the risk. You can do this through the use of signs or spell out warnings on course maps. For example, large patches of poison ivy should be avoided or removed from the course. If there is exposure to poison ivy in the park, alert participants to that on orienteering maps or signs at the start of the course. If the park maintains a website, you could list these warnings, as well as other rules, there.
- Consider conflicting activities. Will the design of the course intersect with cross country trails or other activities? If so, are warnings necessary to protect users of both activities?
- Design the course for different skill levels. Participants new to the activity should have little difficulty navigating the course and those with expertise should have more of a challenge to hold their interest.
- Make checkpoint posts visible as participants approach. Posts should be free of sharp points and edges. Be sure checkpoint locations are free of tripping hazards.

Though little equipment is used in orienteering, you should periodically inspect the course to check for wear and tear, vandalism and developing hazards. These hazards may include erosion, deadfall and dangerous plants or pests. Be sure to record these inspections and subsequent remedies and retain these records.

OUTDOOR ICE SKATING RINKS

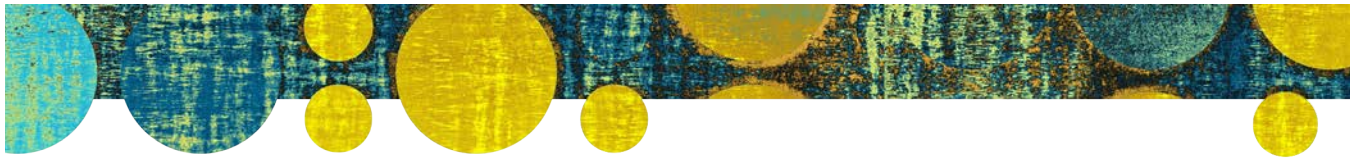
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Ice skating is a popular winter activity in Minnesota. If your park provides outdoor skating rinks, it is important to design and lay out the rinks carefully for the best safety of users and bystanders.

If two rinks are available, one should be designated for hockey and the other for pleasure skating. If only one rink is used, signs should be posted that indicate which hours the rink is to be used for hockey and which hours for pleasure skating. The design should also be reviewed to mitigate the potential for stray pucks coming in contact with vehicles, pleasure skaters, pedestrians or other structures in the area.

OUTDOOR ICE SKATING RINKS





REGULAR INSPECTION AND MAINTENANCE

You should establish a regular and systematic inspection and maintenance program for ice rinks. The timing of these inspections should reflect rink usage and condition. Keep records of inspections and repairs, including checklists used and manufacturer's maintenance instructions if available. The person responsible for the inspection should sign and date the form used. If a problem is found, it should be noted and fixed as soon as possible.

Dasher Boards

Dasher boards surround the perimeter of the rink and are subjected to intense use and frequent skater contact. They require ongoing maintenance to keep them free of hazards. Routine inspections should look for:

- Missing or protruding screw heads.
- Broken, loose or jagged pieces of dasher board.
- Loose or malfunctioning hardware.
- Cracks or gaps that could catch a skate blade or hockey stick.
- Sections of dasher board that are no longer flush with one another or have become unstable.
- All fasteners, backer panels and the like should be tightened.

Gates

Gates should open and close smoothly. When closed, the gate should be flush with the dasher boards. When inspecting gates, check for the following:

- Gates close and latch properly.
- Gates are flush with the rest of the board set when closed.
- Gate openings have no sharp edges or protrusions that can catch skaters or their clothing.
- Worn latch plates. They should be replaced as necessary to avoid damage to the metal strikers.
- Worn or bent hinges. Replace or lubricate (if required).

Backstops and Shielding

Puck backstops and other shielding are typically constructed of chain link fence or Plexiglass to protect people and property from flying pucks. This shielding should also be routinely inspected and maintained.

Chainlink shielding should be inspected for:

- Sharp edges.
- Fencing not secured to support poles.
- Metal connecting straps that are bent and protruding outward.
- End supports not covered with impact-absorbing material.
- Gaps between shielding and top of dasher board.

Plexiglass shielding:

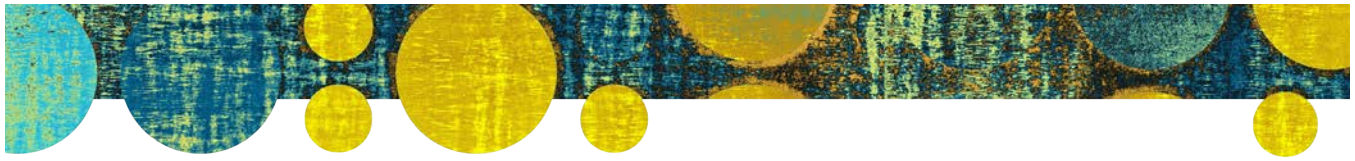
- Make sure all fasteners on shield support posts are tight and that all shields are aligned and tight in support channels.
- Look for cracks, sharp edges or broken pieces.

General Inspection and Maintenance

In addition to the dasher board, gate and shielding inspection and maintenance, the following should be routinely checked:

- Bleachers should be in good condition and compliant with the Minnesota Bleacher Safety Act.
- Hockey goals should be in good condition. Nets have not come loose from the frames, and frames are not cracked or broken.
- Hockey goals should not be melted into the ice so they become immovable.
- If the rink is illuminated, the lights should properly illuminate the skating area and operate correctly.
- Signage should be in place and legible.
- Ice surface should be free of ruts, deep chips and other irregularities.

See Chapter 14 for information about bleachers.



SIGNAGE

Signage should be visible to all rink users. At a minimum, it should be located near entrances to the rink and adjacent areas. Signs should include the following information:

- The hours the rink is open under normal conditions.
- Restrictions pertaining to rink closure conditions.
- No horseplay.
- No smoking or alcohol allowed.
- No loitering.
- No hockey games on the pleasure rinks.
- Hockey players must wear helmets/face shields.
- No vehicles or bicycles on the ice.

Other information, including whether an attendant is on duty and what to do in case of an emergency, should also be included on signs.

Resource

Ice Skating Institute is an organization dedicated to providing leadership, education and services to the ice skating industry.

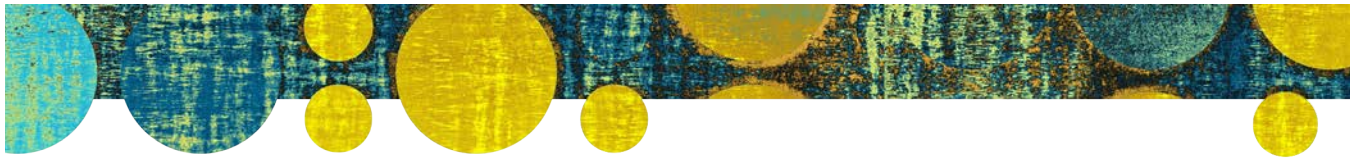
PICNIC AREAS

21

In addition to tables, a picnic area may include amenities such as grills, water fountains, trash receptacles and shelters. To help keep picnickers safe, you should consider the following when adding a new picnic area or maintaining existing sites.

PICNIC AREAS





PICNIC AREA DESIGN

- Secure or anchor tables and grills when applicable.
- Locate grills a safe distance from picnic tables, play equipment and walking paths to mitigate burn exposure.
- Protect all outdoor electrical receptacles with ground fault interruption and have weatherproof safety covers.
- Consider signage that details:
 - Hours of use.
 - Attendance and control of grills.
 - Supervision of children around grills.
 - Proper disposal of ashes.

See Chapter 3 for more information about written agreements and facility use if you plan to reserve or rent picnic shelters

INSPECTION AND MAINTENANCE

Staff should regularly inspect facilities and equipment to ensure that the following conditions are maintained.

- Electrical panels and plugs have safety covers in place and are working properly.
- All surfaces are cleanly painted with no rotten lumber or rusted metal. Siding or trim pieces should not be loose or missing.
- Concrete has a smooth surface and no large cracks, uneven surfaces or holes that may cause tripping.
- Hardware and bracing are structurally sound and intact.
- Seating surfaces and table tops are clean and free of protrusions. No catch points, splinters or sharp edges are exposed.
- Nails, bolts or screws are flush with surfaces.
- Painted surfaces are in good repair with no rotten wood or rusted metal.
- Grills are operational and have minimal rust and metal deterioration.
- Grill racks are operational and secure to main body. Grill racks have minimal grease build-up.
- Area around grills is free of combustible material.
- Grill foundations are intact and do not create a tripping hazard. Grill is secure and sturdy, and has not been vandalized.
- Dumpsters/garbage cans are emptied and maintained. Staff should use caution when handling trash bags, as they may contain broken or sharp objects.

PLAYGROUNDS

22

Playgrounds should be exciting, fun places for children. They provide an excellent environment for physical and social development, but only if they are safe.

PLAYGROUNDS

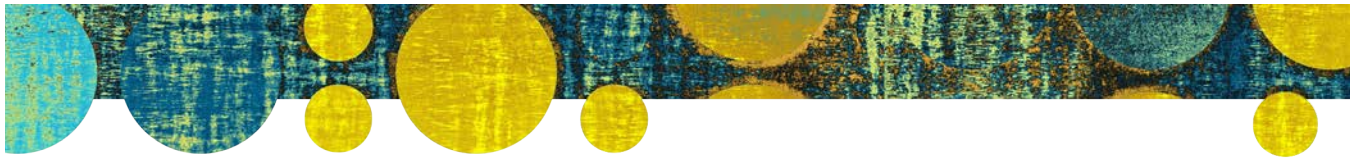




'THE DIRTY DOZEN'

"The Dirty Dozen" publication from the National Recreation and Park Association (NRPA) highlights 12 of the most common factors that can lead to playground injuries. You should give proper consideration to these factors when installing or maintaining playground equipment. Here is a summary of the 12 safety concerns.

1. **IMPROPER PROTECTIVE SURFACING:** Acceptable surfaces include hardwood fiber/mulch, sand, pea gravel and shredded rubber. Surfaces must be maintained at a depth of 12 inches and not become compacted. Synthetic or rubber tiles and mats may also be used under play equipment.
2. **INADEQUATE USE ZONE:** A use zone is the area under and around equipment where a child might fall. A use zone should be covered with protective surfacing material and extend a minimum of 6 feet in all directions from the edge of stationary play equipment, such as climbers and chin-up bars.
3. **PROTRUSION OR ENTANGLEMENT HAZARDS:** These are hazards that are capable of impaling or cutting a child, or capable of catching strings or items of clothing that might be worn around a child's neck. Ropes should not be capable of forming a loop or noose.
4. **ENTRAPMENT IN OPENINGS:** Children often enter openings feet first and attempt to slide through an opening. If the opening is not large enough, it may allow the body to pass through but entrap the head.
5. **INSUFFICIENT EQUIPMENT SPACING:** Equipment should provide room for children to circulate and prevent the possibility of a child falling off one structure and striking another one. Swings and moving equipment should be located in an area away from other structures.
6. **TRIP HAZARDS:** Exposed concrete footings, containment borders, tree roots and abrupt changes in surface elevations are common trips hazards.
7. **LACK OF SUPERVISION:** A play area should be designed so that it is easy for a parent or caregiver to observe children at play.
8. **AGE-INAPPROPRIATE ACTIVITIES:** Areas for pre-school age children should be separate from areas intended for school age children.
9. **LACK OF MAINTENANCE:** A program of systematic, preventive maintenance must be present.
10. **PINCH, CRUSH, SHEARING AND SHARP EDGE HAZARDS:** Components in the play environment should not have sharp edges that could cut skin. Moving parts should be checked for the potential of crushing or pinching a child's finger.
11. **PLATFORMS WITH NO GUARDRAILS:** Elevated surfaces should have guardrails that prevent accidental falls.
12. **EQUIPMENT NOT RECOMMENDED FOR PUBLIC PLAYGROUNDS:** Heavy animal figure swings, multiple occupancy/glider type swings, exercise swings and trapeze bars are among the equipment not recommended for public playgrounds.



REGULAR INSPECTION AND MAINTENANCE

A regular and systematic inspection and maintenance program should be in place. Visual inspections should be performed often—no less than weekly, daily if possible. A more detailed inspection should be performed no less than monthly. These are best practice guidelines and may be adjusted to reflect equipment usage and condition. Often, a manufacturer provided checklist can be used to guide inspections, but if unavailable, a general checklist may be used (see Resources).

If a problem is found, it should be noted and fixed as soon as possible. You should make and keep records of inspections and repairs, including checklists used and manufacturer's maintenance instructions if available. The person responsible for the inspection should sign and date the form used.

SAFETY AUDIT

In addition to an inspection and maintenance program, a safety audit should be performed to assess the playground's design, layout and surface materials. A trained inspector conducts this audit. Often companies that sell playground equipment will perform a complimentary or reduced-fee playground audit of existing play structures to ensure current national standards are being met.

RESOURCES

- "The Dirty Dozen Checklist": General guide to the top 12 safety hazards in America's playgrounds from NRPA.
 - "Public Playground Safety Handbook" produced by the U.S. Consumer Product Safety Commission (CPSC): Detailed guide to playground safety that includes material surface depth chart and maintenance checklists.
 - "Inspecting Playgrounds for Hazards" produced by Chameleon Communications: A 35-minute DVD available from the MCIT Video Library that provides an in-depth look at how to set up a complete playground safety and maintenance program and illustrates how to make a safety evaluation based on the CPSC guidelines.
-

SLEDDING HILLS

When allowing sledding on park hills, your organization must consider best practices to make this a safe and enjoyable experience.

Sledding should be allowed only in designated and approved areas where there are no trees, posts, fences or other obstacles in a sled's path. The sledding run must not end in a street, drop-off, parking lot or other hazard.

The following guidelines apply to open, natural sledding hills. Contact your MCIT risk management consultant when equipping sledding hills with tow ropes, lifts and rental equipment as coverage may be an issue.

DESIGN AND CONSTRUCTION OF SLEDDING HILLS

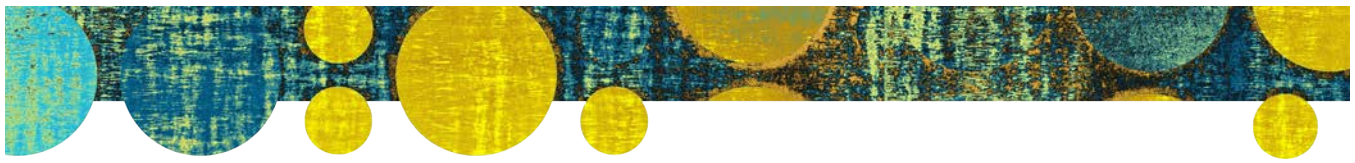
It would be prudent to consult with a design professional when determining whether to add a sledding hill to your park or recreational area. You should consider a number of design features:

- A flat staging area should be incorporated into the top of the hill to allow for better presled preparation.
- Every sledding run should have a length of run out at the bottom of the slope to allow for a slow stop. Creating a slight incline also

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SLEDDING HILLS





allows gravity to help.

- Sledding hills should have a slope of 30 degrees or less to keep speeds at a reasonable rate.
- The sledding area(s) should channel riders away from obstacles.
- A separate walking path should be created to reduce the chance of run-ins between those sledding down the hill and those walking up the hill.
- Developing a sled run on a northern exposure minimizes the creation of ice on the slope and walking path.
- If the hill is not restricted to daylight hours, a means of lighting should be explored to keep the slope lit.

If a third party designs the hill, an agreement should be secured that holds your organization harmless and indemnifies your organization for claims that arise out of work the contractor performed.

SIGNAGE AND RULES

You should post signs indicating proper conduct and the rules of the hill. Also, “no sledding” signs should be posted in undesignated but known sledding areas. The rules and regulations of the sledding area need to be consistently enforced.

Some sign topics to consider (others may be appropriate, depending on the circumstances):

- Users assume risk of injury.
- Adults must supervise children.
- Use caution.
- Be considerate of others.
- Don’t slide when hill is icy.
- Don’t alter sledding hill.
- Sled in designated areas only.
- Use controllable sleds, not tubes, saucers or disks.
- Report problems to _____ (include phone number).
- Hours of operation.
- Use is restricted to daylight hours (unless lighting is provided).

INSPECTION AND MAINTENANCE

In addition to regular hill inspections during the season, you should perform a preseason inspection to

ensure there has been no change to the topography of the slope and that no hazards are present that could be hidden by snowfall.

During the sledding season, hill inspection should be held as often as feasible. These inspections should check for the following:

- Hill is free of large bumps, dips, jumps, debris and obstructions.
- Fences and barriers are in place and secure.
- All signs are in place and clearly visible.
- Stairs and walkways are clear of ice and snow.
- The path to the top of the hill is clearly defined with barriers to protect walkers from sledders.
- Emergency phone is available and operational.

These inspections and any performed maintenance should be clearly recorded, and you should keep records of them.

HILL SUPERVISION

If the sledding hill is to be supervised:

- Staffing levels need to be adequate to ensure an attendant is on site when the hill is open.
- Staff is trained, and training is recorded.
- Staff knows when to close the hill when conditions warrant.

OTHER CONSIDERATIONS

- Fencing could be used to control entrances and exits during operational hours or as a deterrent not to use a hill for sledding.
- In the case of emergency, access to the hill should be available for emergency personnel.
- A payphone with 911 emergency access should be provided near the sledding hill.
- If rental equipment is offered, procedures must be developed for inspection and maintenance of the equipment.

Resources

- “Sledding Hills—Managing the Risk” from the Michigan Municipal League
-

TRAILS

24

GENERAL BEST PRACTICES

Whether constructing new trails or maintaining established trails, you should address the safety considerations discussed in this section.

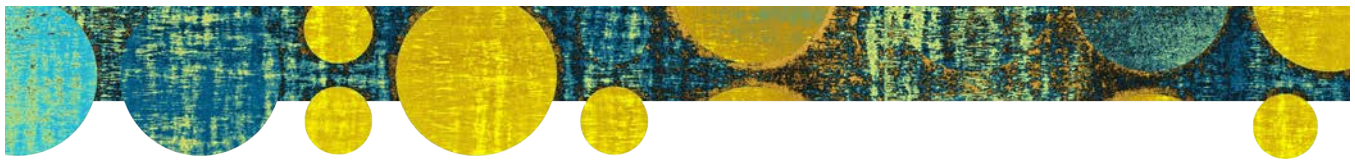
Design and Construction

The design and surface of a trail must be compatible with its anticipated use. A biking or horse trail requires more width and height clearance than a trail designed for walking. Depending on trail use, you may have to consider sight lines. Allow adequate distances for bicyclists and in-line skaters to anticipate turns or elevation change. Surface materials should be suited to the anticipated use.

For example, a covering of wood fiber material would not be appropriate for a wheel chair accessible trail. A clearing width should be incorporated on the trail's edge. This clearing, often mowed grass, provides a space between the trail and natural environment to allow

TRAILS





users forced off the trail to do so with minimal risk. When a trail is constructed near roadways, fragile habitat or other potentially hazardous or sensitive areas, a transition or buffer zone helps provide a barrier. Plantings of natural vegetation, earthen berms or fencing can protect trail users from adjacent hazards and protect fragile habitat from trail users

Multiuse Trails

Before adding or designating a trail as multiuse, consider how coinciding activities affect one another:

- Is the trail clearance sufficient for the amount and type of anticipated traffic? Trails require more width with more traffic. If the trail is designated two-way, this distance will even be greater. Horse, bicycle and pedestrian traffic all require different horizontal clearance, and when these uses are combined, the width of the path must accommodate use. Give special attention to the clearing width on the trail's edge. This width should be great enough to provide room to accommodate users who may be forced off the trail. In addition to these horizontal distances, you must take vertical clearance into account when designating a trail for bicycle and equestrian use.
- Are surface materials compatible for the anticipated users of the trail? Bicyclists enjoy riding on harder surfaces while pedestrians and equestrians like a softer surface. Providing separate parallel paths for different users may be a more desirable option.
- Have you taken into account line of sight distances and trail grades? The faster the anticipated traffic, the longer the sight distances required for trail safety. Bicyclists and cross country skiers require more time to slow down before entering a curve than a hiker. Horses should have time to identify oncoming traffic to prevent being startled. Trail grade also plays into these sight and stopping distances, and factor into the difficulty of the trail for different users.

Multiuse trails should clearly be designated so users better understand with whom they share the trail. Signs can help clarify usage and alert users to protocols and trail etiquette when meeting others.

More design features and maintenance information for specific trail usage is provided later in this chapter.

Signage

Signs are important for keeping trail users aware of their surroundings and warning of potential hazards. Signs can consist of the following:

- Informational signs to provide details about the trail and its use.
- Directional signs to inform users where they are along the trail and the distance to destinations and points of interest.
- Warning signs to alert users to potentially hazardous or unexpected conditions of the trail.
- Regulatory signs to inform users of the trail rules, traffic laws and regulations.
- Interpretive signs to share educational information about the trail environment.

Inspection and Maintenance

You should inspect trails on a regular basis. These inspections should include attention to:

- Trail clearance.
- Trail surface condition.
- Bridge structure and integrity.
- Signs of erosion or poor drainage.
- Trash and other obstacles on the trail.
- Condition of signage.
- Hidden hazards, such as poor sight lines, hazardous trail borders and unlit tunnels.

When a hazard is found during an inspection, adequate warning should be given to notify trail users of the condition until it is remedied.

Hand-in-hand with regular inspections is regular maintenance. The schedule depends on the designation of the trail. A trail designated high maintenance will require more frequent work than a trail designated low maintenance. Trail maintenance may include:

- Mowing to prevent vegetation from overgrowing trail surfaces and to allow users to pull off the trail in emergency situations.
- Removing unhealthy or dead trees, limbs and branches that may interfere with trail usage.
- Trail sweeping to ensure a clear surface.
- Removal of trash from the trailside and receptacles.
- Maintaining condition of trail surfaces according to use and any required specifications.
- Keeping drainage structures clear of debris.
- Removing snow to prevent ice and snow buildup.

Detailed records of trail inspections and maintenance are important and should be retained as proof that reasonable care has been exercised.

Trail users can be a valuable resource when it comes to spotting deficiencies or hazards on a trail. Have a system in place for the public to report problems to help identify hazardous conditions quickly. Once identified, you must act upon these conditions.

Shared Trails

Often trails are shared with other municipalities. In these cases, you should have a clear understanding of which entity bears responsibility for inspection and maintenance. These responsibilities should be set forth in a written agreement, which should also include insurance requirements and liability for claims or accidents arising out of trail use.

See Chapter 3 for more recommendations about written agreements.

General Trail Resources

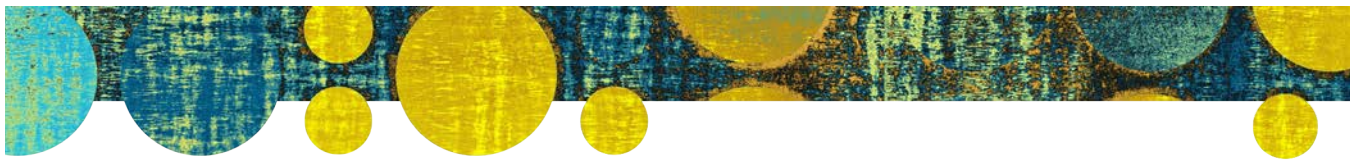
- AmericanTrails.org: A national nonprofit organization that works on behalf of all trail interests. The website provides online resources for planning, building, designing, funding, managing, enhancing and supporting trails, greenways and blueways.
- Recreational Trails Program website from the Office of Planning, Environment and Real Estate of the Federal Highway Administration, U.S. Department of Transportation: The website is a portal for online resources available through the program.
- Additional planning, design and development guidelines for trails can be downloaded from the Minnesota Department of Natural Resources and Rails to Trails websites.

ATV AND SNOWMOBILE TRAILS

Because of the power and speed of snowmobiles and ATVs (all-terrain vehicles, also called four-wheelers), many factors should be considered when developing these trails. Unlike other trail usage, snowmobiles and ATVs are governed by Minnesota statutes. In addition, the Minnesota Department of Natural Resources (DNR) has its own safety rules, laws and regulations. Keeping these regulations in mind, you should consider other issues when developing these trails:

- It may be necessary to establish and enforce rules more stringent than Minnesota regulations. Limiting usage during certain times of the year or hours of the day and establishing speed limits are examples of rules to help reduce instances of property damage and personal injuries.
- Trails for motorized vehicles should be segregated from other trails. The speed and size of the equipment is often not compatible with other trail use and can increase “struck by” exposures.
- The width of snowmobile and ATV trails should be dictated by the anticipated amount of usage and whether the direction of the trail is one-way or two-way. Extra width should be provided where trail usage is heavy or where users may congregate, such as at trail heads or road crossings.
- When designing snowmobile and ATV trails, sight lines are important. The speed of vehicles requires adequate warning of coming turns and other hazards.
- Trails should not cross bodies of water deeper than one foot. Trails crossing deeper water risk drowning exposure.
- Pay particular attention to road crossings. In addition to adequate sight lines, road crossings should be adequately marked for trail users. Trails should cross roads at a 90 degree angle and be well-signed. Snow banks should be cleared on either side of the trail as they may impede sight and potentially narrow the trail at the road crossing.





- When trails include undulating terrain and higher grades, you should incorporate run outs at the bottom of steeper slopes to allow trail users time to get control of their vehicles if needed. Trails should be designed at right angles to slopes to mitigate tipping and rollovers.
- Curves on the trail should be as gentle as possible and well-signed. Provide wider trail clearance on the outside edge of curves.
- Signage appropriate to ATVs or snowmobiles should be installed to delineate trails and warn of hazards. International Association of Snowmobile Administrators provides guidelines for signage and placement. (See Resources.)
- You may want to think about transferring risk by partnering with a private trail rider organization to develop, install and maintain the trail. In exchange for this transfer, the organization is granted property access. A grant-in-aid program is available through the DNR to obtain funds to plan, administer and maintain trails when members enter into an agreement with a trail rider organization.

ATV and Snowmobile Trail Resources

- Minnesota DNR website includes information about off-highway vehicle regulations and riding. It also provides details about vehicle grants-in-aid for snowmobiles and ATVs
- 2012 Minnesota State Statutes: Snowmobiles and All-Terrain Vehicles
- Guidelines for Snowmobile Trail Signing and Placement from the International Association of Snowmobile Administrators

CROSS COUNTRY SKI TRAILS

Two different styles of cross country skiing are most common in Minnesota parks. Traditional, or classic, skiing involves the arms and legs moving in a walking or running style parallel with the direction of travel. This style often uses prepared trails that have pairs of ski tracks cut into the snow. By contrast, skate skiing involves movements similar to ice skating and is most often used on a packed, groomed surface. Consider specific design, maintenance and grooming issues when adding these trails.

Design

Cross country ski trails are typically not compatible with other shared trail usage, as nonskiers can displace the groomed trail and track. If the trail is designated as a shared trail, adequate signage should be installed directing nonskiers away from the set track. In addition, you should consider other design matters:

- The width of the trail will vary depending on the type of skiing and the direction of users on the trail. Ski skating trails require more width than traditional ski trails. Two direction trails also require more width. Incorporating both styles of skiing requires accommodating trail dimensions.



- For best tread surface, locate ski trails along paths where snow will remain the longest and be most stable. A grass covered surface holds snow better than a paved path. Avoid summer use trails that are prone to rutting and erosion, as this will

- negatively affect the winter surface. You should also avoid aligning the trail through wetland or across open water.
- More trail clearance should be provided on the edges of the trail to allow for accidental pole or ski extension beyond the trail.
- Extra room should be provided for areas where skiers may fall. These areas would include the outside trail clearance on downhill curves and a longer run out at the bottom of downslopes. This run out also allows skiers to slow their speed and regain balance if necessary. In addition, extra trail clearance width should be considered for uphill slopes where a skier may stop to catch his or her breath. This gives other users room to maneuver around the stopped skier.
- Curves in the trail should be designed with a longer and gentler radius, not a sharp turn.
- Consider providing separate trails with varying degrees of difficulty for users with different abilities. If space is a consideration, a bypass could be included in the trail to allow less experienced skiers the option to avoid difficult features. Install signs to make users aware of trail difficulty and the presence of a bypass.

Maintenance and Grooming

Whether to groom a ski trail should be based on the type of skiing offered, the amount of use and public

expectations for the trail. If the decision is made to groom the trail, think about the following:

- The trail should be prepared in the off season. Grass should be cut, obstacles removed and ruts repaired. This helps provide a more even base for the ski trail in winter.
- Grooming should be performed at times of low usage and when the weather is cold enough to avoid the creation of ice.

To aid in the creation and maintenance of cross county ski trails, the Minnesota Department of Natural Resources (DNR) has created the Minnesota Trail Assistance Program, also known as Grants-in-Aid. Local units of government sponsor ski trail organizations and enter into an agreement that outlines the duties and responsibilities of both parties if the grant is approved. When approved, the DNR provides funding for the development and maintenance of the ski trail. For more information, see the Resources section.

Cross Country Ski Trail Resources

- Trail Planning, Design, and Development Guidelines: Minnesota Department of Natural Resources; see Section 7 about winter use trails
- Cross country ski trail grants-in-aid information from the Minnesota Department of Natural Resources

FITNESS TRAILS

Fitness trails consist of a path or course equipped with obstacles or stations distributed along its length for exercising and stretching. The course is designed to promote physical fitness training. Each station provides specific forms of physiological exercise and can consist of natural features or manufactured products (stepping posts, chin-up and climbing bars.)

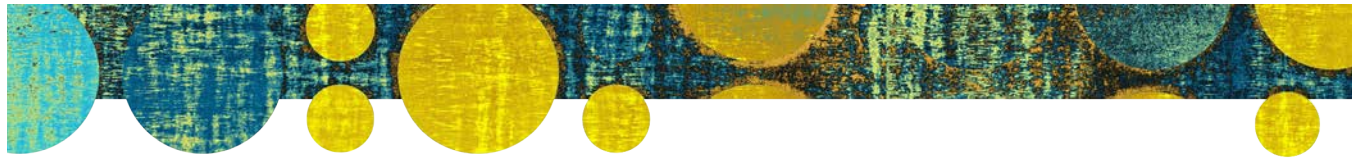
Design

Sufficient space should be provided around each fitness area. Refer to Chapter 22 on playgrounds for guidelines concerning design and surface coverings.

Signage

In addition to general trail signage, specific signs should be included at each station and at the trailhead.





A sign at the fitness course trailhead should include general information and warnings about the course. In addition, this sign should suggest consulting with a physician before starting a new exercise program, and indicate that the equipment should not be used as a playground.

Each station should display a sign with a picture of the exercise, along with a statement outlining the purpose of the activity, and use information for beginner, intermediate and advanced participants.

Inspections and Maintenance

- Inspect all trails and walkways for holes, erosion, obstructions and other hazards.
- Ensure exercise signs are in place and not damaged or covered by vegetation. They must be visible and legible.
- Trim tree branches and clear vegetation as needed around stations.
- Inspect equipment for rotted or splintering wood, loose or protruding hardware and other hazards.
- Maintain and repair stations as needed.
- If stations are damaged, they should be closed until repairs are completed.


Refer to Chapter 22 for further guidelines concerning equipment inspection and maintenance.

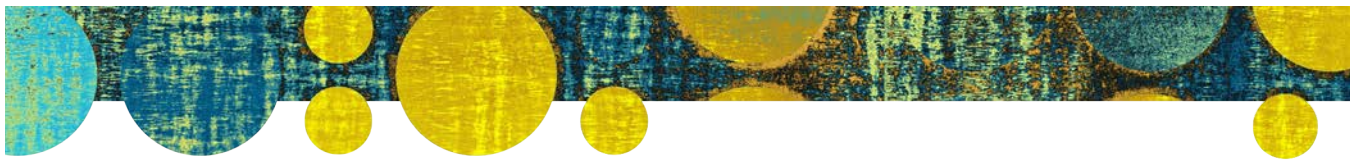
HORSE TRAILS

With more than 9 million horses in America today and close to 4 million used for recreation, MCIT members are offering trails to accommodate the needs of equestrian owners. Horse trails can be designed specifically for equestrian use or shared with other users. You should address a number of specific issues related to horses and trail use when considering adding equestrian trails.

Horse Trail Design

Whether a horse trail is designated specific use or shared with pedestrians, extra consideration should be given to trail features.

- A horse and rider require approximately 4 feet of width on a low usage multiuse trail. The more the trail is used, the more width should be allowed.
 - If planning to allow horses on an existing hard surface trail, consider placing a softer, separate 5-foot-wide tread for horses alongside the main path. A hard surface provides less traction and can harm a horse's hooves.
 - The trail should be kept clear to a height of 10 to 12 feet.
 - Vegetation should be cleared at least 2 feet beyond the width of the trail.
 - Sight lines should be no less than 50 to 100 feet to give the horse warning of approaching pedestrians or vehicles.
- 
- If bridges are used on the trail, they should have flat, solid decking that does not bounce and offers a safe, accessible approach.
 - Trails with grades of more than 10 percent to 12 percent are more difficult to traverse and are exposed to more erosion problems, which could lead to more maintenance needs and potential risk exposures.
 - In addition to standard trail signage, it is important to post right-of-way signs on shared trails to inform users about the precedence of travel for all allowed uses of the trail.



Finally, you should think about the parking area designated for equestrian use. It may be prudent to include a separate area for horse trailer parking. Horse trailers are considerably larger than other vehicles. In addition to providing space for the length of the trailer, extra room should be made available on both the sides and behind the trailer for loading and unloading of the horse and gear. A pull-through design aids trail users when maneuvering and parking their vehicles and trailers.

Horse Trail Resource

"Designing Shared-use Trails to Include Equestrians":
Presentation slides from Anne M. O'Dell

MOUNTAIN BIKING TRAILS

Mountain biking differs from other cycling as it takes place on more rugged dirt roads, trails and sometimes specially designed skill parks. Mountain bikes are constructed of more durable materials to handle the rough terrain. In addition to overall trail best practices, there are specific issues related to mountain biking trail design and maintenance that you should consider.

Design

- Mountain biking trails should be designed with a given level of difficulty. You should visibly post signs, detailing this level of difficulty. Consider incorporating separate trails of varying degrees of difficulty to attract both experienced and novice cyclists.
- Post signs to warn of natural outdoor hazards that cannot be alleviated.
- If technical trail features (banked berms, ladder bridges, skinnies, etc.), are incorporated into the design of the trail, provide a fall zone for riders who fail to clear the obstacle. These fall zones should be free of large rocks, stumps and protruding objects. Dirt or mulch could be added to further cushion fall zones.
- Think about adding slow turns and technical features to decrease the speed of riders.

Inspections and Maintenance

In addition to applying general trail inspection and maintenance, you should give special attention to technical trail features. You should inspect these for



strength and integrity. Items to look for are potential rot, splintering, loose or protruding hardware, excessive wear and slippery surfaces.

Mountain Bike Trail Resource

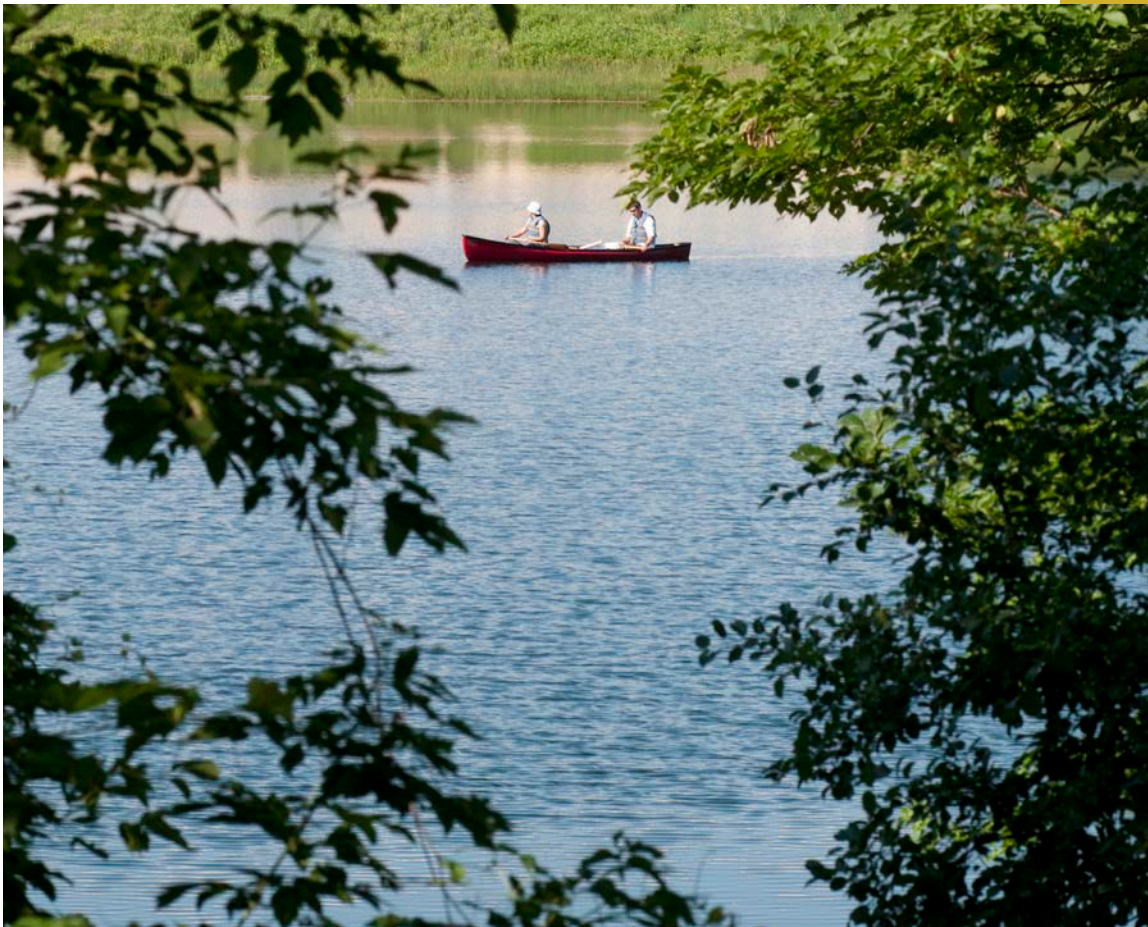
International Mountain Biking Association website includes resources addressing a number of issues about mountain biking, such as grants and fundraising, maps and signs, mountain bike research and risk management, among others.

WATERFRONT ACTIVITIES

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Waterfronts are one of the most popular areas in parks during summer. The activities a park offers at the waterfront are many: swimming, fishing, boating, playgrounds, picnicking, to name a few. The unique risk exposure of water activities requires that your organization take steps to protect park patrons.

WATERFRONT ACTIVITIES



FISHING

When offering fishing locations, the primary consideration is whether it conflicts with other activities. Fishing should be located away from the swimming beach so as not to accidentally hook bathers or leave behind lost tackle.

Be sure to inspect fishing areas.

- Look for natural hazards, such as bank erosion and unsafe trees or limbs.
- Review for artificial hazards, such as barbed wire and overhead electrical lines, that could also cause injury. Be sure to eliminate or avoid these.
- Identify any new hazardous conditions.

Use signs to clarify the designated fishing locations, explain rules and indicate prohibitions.

Fishing Piers

Fishing piers are a popular way to provide access to better fishing without the use of boats. Locate fishing piers far enough away from swimming areas to avoid accidents with hooks and tackle. Post “No Swimming and Diving” signs at the entrance of piers.



You should inspect and maintain fishing piers just like other park equipment. The deck planking should be firmly attached and checked for signs of rot. Railings and guards should be secure and free of protruding hardware or other projections. Consider adding reflectors to the pier to make it more visible to nighttime boaters and to snowmobilers in winter.

BOATING

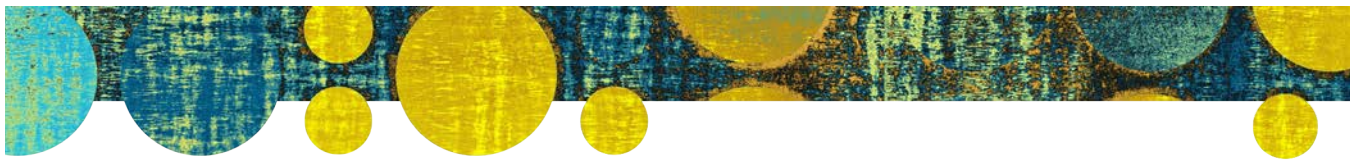
Motorized and nonmotorized boating is a popular pastime for Minnesotans. When providing access to your park's waterways, it is important to take steps to ensure a safe and enjoyable experience for parkgoers.

Boat Ramps and Boarding Piers

Boat ramps and boarding piers (launching docks) are the foremost features of water access. Because of the activity surrounding these structures, safety is important. Whether you have an existing water access or plan to have one in the future, including certain design elements can add to a more safe and enjoyable experience for boaters. These include:

- Parking lot design. The size of the parking lot is often key to controlling the number of boaters on the lake. Providing pull-through parking spaces decreases the need for backing up with trailers





and helps reduce “backing into” incidents. The addition of a tie-down lane and/or an aquatic invasive species removal area helps mitigate congestion at the boat access and gives boaters a chance to prepare for launch or departure in a more controlled manner. The parking lot design should also include a means of diverting or filtering storm water runoff before it enters the body of water.

- Pay attention to overhead power lines. If power lines are located over the boating access facilities, determine if there is the risk potential for contact with boating equipment, most notably sailboat masts.

OTHER CONSIDERATIONS

- Whether the boarding pier is removable or stationary, consider increasing its visibility during the evening hours or winter. The addition of reflectors would help to provide warning of the pier’s location to approaching boaters or snowmobilers. Care should also be exercised when storing removable piers for the winter. Store dock components in a location that does not conflict with winter vehicle traffic.
- Conduct periodic inspections for not only the condition of the ramp and pier, but also the underwater area around these structures. Broken glass, discarded equipment or other hazards can be concealed under the water and cause injury.
- Pay special attention to the end of the ramp for signs of “power loading.” When boats power load (gun the engine and use the power of the prop to load the boat onto a trailer), the lake bottom can be displaced at the end of the boat ramp, creating a trench where trailers can drop down and get stuck, and a mounding of lakebed material behind the trench into which boats could run.

- Follow the Minnesota Department of Natural Resources guide for signage strategies at boat access facilities. Also at launching piers, you should post signs to warn against swimming and diving from the dock.

Nonmotorized Boating

The public may want to use nonmotorized boating equipment (e.g., canoes, kayaks, sailboats, paddleboards) when enjoying your waterfront. Although water access is provided at boat launch facilities, you may want to consider a carry down access for this equipment. When providing a carry down access, conduct inspections and maintenance of the area. Keep the space free of slip and fall hazards, as well as other objects that pose a safety danger.

The Minnesota Department of Natural Resources enforces boating regulations, including registration of all nonmotorized boats. This encompasses paddleboards, too. These regulations require that children under 10 years old wear a lifejacket and those 10 years old and older have one readily accessible.

You may want to consider a life jacket loaner station for boaters. Various foundations and organizations often provided this service free of charge. When offering these stations, be sure to inspect and maintain the life jackets regularly, replacing them when necessary.

See Chapter 3 for more information about rental equipment.

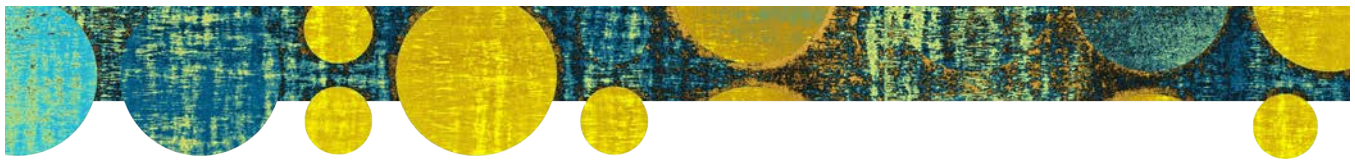
SWIMMING BEACHES

Minnesota residents and tourists expect beaches to be safe environments for themselves and their families. Careful attention must be given to ensure these recreational areas are indeed kept safe.

Designated Swimming Area

If a public swimming area is located on a body of water where operation of motor-powered watercraft is allowed, Minnesota Administrative Rule 6110.1600





requires that the swimming area be marked in the following manner:

- Entire perimeter identified by white marking buoys no less than 9 inches in diameter and spaced no more than 75 feet apart. No fewer than three markers can be used to establish a boundary line.
- Marking buoys must extend no less than 36 inches above the water and contain two diamond shapes with crosses signifying “boats keep out.” The words “swim area” should also appear on each marker. (Further details about these markers can be found in the rule.)

Signage

Warning signs, rules and regulations should be posted where there is the best chance to be seen by all who enter the beach area. Give careful consideration to the wording on signs. Inclusion of pictograms may be prudent. If swimming is allowed, signs should:

- Clearly define swimming and nonswimming areas.
- Define beach hours.
- Warn of any known, uncorrectable hazards.
- Include rules and regulations of the beach, such as no alcohol, no pets, no glass, no smoking, no unsupervised children under a specified age.

If swimming is not allowed, or an area could be perceived by the public as a designated swimming area even though it is not maintained as such, a sign should be posted that simply reads, “No Swimming.”

Beach Lifeguards

When lifeguards are employed to supervise the beach, proper elevated observation platforms must be in place. In addition, safety equipment should be readily available to lifeguards on duty, including but not limited to:

- First-aid kit.
- Ring buoy or rescue tube.
- Spine board.
- Rescue boat.
- Communication device (radio or phone).

Give special consideration to signage identifying when a lifeguard is on duty. Instead of displaying a sign depicting the hours when a lifeguard is on duty, it is better to have a permanent “No Lifeguard on Duty”

sign posted and when a lifeguard is attending, cover that sign with one that reads “Lifeguard on Duty.”

This allows for more flexibility and covers unexpected events such as bad weather or illness.

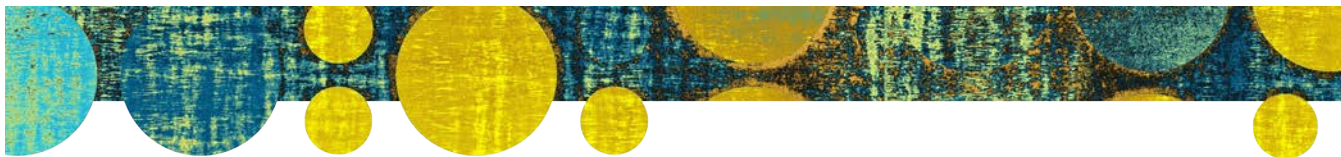
If no lifeguards are employed, signs that read “No Lifeguard on Duty” should be permanently posted at the beach.

More Best Practices

- Make periodic inspections to keep the beach and swimming area free of hazardous debris. Weed removal and control may also be necessary. Records of inspection and maintenance should be retained.
- Develop a procedure for emergency communication. This might include locating a public phone near the beach with emergency numbers posted nearby.
- Electrical outlets located on the outside of beach facilities should be ground fault protected and have weatherproof covers.

Waterfront Activities Resources

- Minnesota Administrative Rules Section 6100.1600
- “Water Access: Installing a Boat Ramp” from the Minnesota Department of Natural Resources
- “Design Handbook for Recreational Boating & Fishing Facilities” and “Operations & Maintenance Program Guidelines for Recreational Boating Facilities” are available for purchase from the States Organization for Boating Access (SOBA)



APPENDIX A TRIMMERS SAFETY CHECKLISTS

Weed Trimmers

- Start the engine on firm ground in an open area, holding the trimmer with two hands while maintaining good balance and footing.
- Maintain good footing and balance while operating the equipment. Do not overreach.
- Do not raise the weed trimmer head above waist level.
- Keep all parts of your body away from the trimmer head and muffler when engine is running.
- Stop or idle the engine when people or animals come too near.
- Hold the trimmer so that debris is directed away from you.
- Store gas-powered models in an upright position to help prevent spills.

Hedge Trimmers (Power Shears)

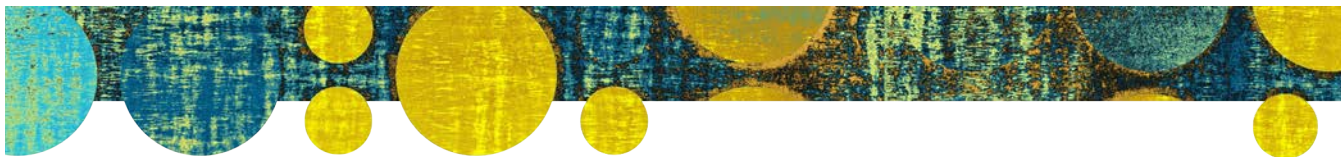
- Select a trimmer that is comfortable and easy to handle.
- Never use electric trimmers in the rain, on wet grass or shrubs, or near water. If using an electric model, plug it into a ground fault interrupted outlet if the cord is not double insulated.

APPENDIX B BLOWERS SAFETY CHECKLIST

- Start and run the equipment in an upright position.
- Operate with tubing attached.
- Direct the discharge of debris away from people, animals and property that could be damaged. Be aware of solid objects that could cause discharged materials to ricochet.
- Blowers should not be operated on ladders or unstable surfaces.
- Blowers should not be used to spread or mist chemicals, fertilizers and other toxic materials.

Resource

“Leaf Blowers: Proper Operation” video produced by Portable Power Equipment Manufacturers Association: A 19-minute DVD available through the MCIT Video Library that provides general guidelines and recommendations for eliminating unsafe operation of leaf blowers and preventing environmental damage as a result of leaf blower use.



APPENDIX C CHAINSAW SAFETY CHECKLISTS

Before Startup and Operation

- Clear the area of obstacles that could interfere with cutting a tree or the retreat path.
- Inspect chainsaw controls, bolts and handles. Adjust according to the manufacturer's instructions. Inspect the chainsaw for loose, damaged or broken parts, as well as nicks or dents to the bar. If defective, remove from service and tag as "Out of Service. Do Not Use."
- Maintain a sharpened chain and proper chain tension.
- Check the chain to make sure it does not move when the engine is idling and adjust as necessary.

Startup

- Keep others at a safe distance from the work area.
- Ensure chain brake is in place and operational.
- Start the chainsaw by placing it on the ground. Never "air drop" or start a chainsaw in midair.
- Be prepared for kickback and brace or position yourself accordingly.

Operation and Safe Felling Practices

- Maintain secure footing while operating a chainsaw.
- Maintain a firm, two-handed grip of the chainsaw.
- Never stand directly behind a cut. Stand at an angle to the chainsaw.
- Saw only with the bottom part of the chain nearest the engine with the work against the saw or saw bumper. Avoid contact with bar tip.
- Do not cut or operate a chainsaw above shoulder height.
- If a chainsaw stalls mid-cut, remove the saw blade before attempting to restart the chainsaw.
- Shut off and engage the chain brake whenever the chainsaw is to be carried more than 50 feet or across hazardous terrain.
- Have a preplanned escape route when felling a tree. This route should be 45 degrees away from the projected fall of the tree and clear of obstacles.

- When felling a tree, consider the terrain and surroundings before starting a cut. Traffic, overhead lines and people should all be clear of the drop zone.
- Remove any broken or dead limbs that could fall before cutting the tree.
- No person should be allowed within two tree lengths of the person felling a tree.
- A backcut and an undercut must be used when felling a tree.
- Trees may have internal tension that could cause them to spring outward when cut. Make small cuts on spring poles or branches from the underside.
- When cutting limbs from a felled tree, stand on the opposite side of the tree trunk.
- Trees and branches may be loaded by snow and react unpredictably when cut.

Refueling

- Always make sure the engine is off when refueling. Allow the engine to cool before refueling.
- Slowly release pressure when opening gas cap.
- Always refuel in a well-ventilated area and away from any sources of ignition.
- Promptly clean up any spilled fuel.

After Use

- Clean chainsaw according to the manufacturer's instructions. Always unplug the sparkplug before cleaning to help prevent accidental startup.
- Store chainsaw with chain bar covered by the sheath or holder made for that purpose.

Resource

"Chainsaw Safety, Maintenance and Operations" video produced by Stihl: A 63-minute DVD available through the MCIT Video Library that reviews chainsaw operation and maintenance, use of personal protective equipment, safety and environmental hazards, as well as OSHA requirements for first aid and CPR.



APPENDIX D MOWER SAFETY CHECKLISTS

Before Mowing

- Dress properly. Wear close-fitting clothes with long sleeves and pants, work boots with good traction, and properly fitted ear and eye protection. A pair of heavy gloves should be kept handy when servicing the mower blade.
- Familiarize yourself with the machine. Although many mowers may have similar components, every machine has specific features. Read the operator's manual to familiarize yourself with the machine. Check the mower's safety guards to ensure they are in proper working condition. Pay attention to warning labels and know how to stop the machine quickly when needed.
- Inspect the mower daily before use. When inspecting the mower, do so on a flat, hard surface. Check the hydraulic system, coolant, oil and fuel to ensure proper levels. Inspect the condition of the air cleaner or filter. Clean off radiator screen on riding mowers. Ensure that belts, catchers and guards are in proper working order. Refer to the operator's manual for inspection procedures.
- When fueling, pay attention to the type of fuel used. Ethanol can damage fuel system components. Avoid fuels containing more than a 10 percent mixture of ethanol.
- Check your work area. Before mowing, inspect the area for hidden hazards such as rocks, bottles, wire and sticks. These hazards can become projectiles when struck by the mower blades and cause injuries to pedestrians and the operator, and damage property. Also note natural hazards such as bee nests and slippery terrain.

While Mowing

- Pay attention to your surroundings. Stop the mower when a person or animal approaches. Watch for hidden hazards that were missed during the pre-inspection of the area. Never position the side-discharge toward people or property.
- Use caution on slopes. Never mow up and down

slopes, mow across them. Decrease your speed when mowing on slopes.

- If the discharge chute becomes clogged, make sure to turn off the engine before getting off the mower. Disconnect the spark plug wire to prevent accidental start up and clear the discharge with a stick or a tool, never your hands.
- If it is necessary to refuel, bring the mower to a stop on a flat, hard surface. Turn the engine off and allow the engine to cool. Be careful when filling the tank and wipe up any spills.

After Mowing

- Clean and maintain the mower. When shutting down a riding mower, the operator should remain seated when turning off the engine. Make sure the engine is stopped and the engine is off before cleanup and maintenance. Disconnect the spark plug to perform routine maintenance procedures as detailed in the operator's manual. Use caution when cleaning the mower, mower deck and discharge chute. Parts of the engine will be hot after shutdown.
- If the mower needs repair, tend to it quickly. If a problem cannot be fixed immediately, ensure that the mower is unable to be used until the repair is made.

Other Safety Precautions

- Never leave a running mower unattended.
- Never disconnect the discharge chute guard or any other safety feature installed by the manufacturer.
- Never refill with gas when the engine is still hot.