



## **Sledding on ice: Fear of lawsuits makes Dubuque latest city to ban winter rite**

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Yet another city is pulling kids from city-owned sledding hills and slapping hefty fines on anyone trying to use the public property, but it might be more for fear of lawsuits than for kids' safety.

The City Council in Dubuque, Iowa, voted Jan. 7 to ban sledding in 48 of its 50 public parks. The new ordinance, which council members acknowledged was put in place to protect the city from expensive lawsuits, provides for \$750 fines for repeat offenses.

According to council members during the Monday night meeting and an editorial in U.S. News and World Report by Dubuque Mayor Roy Buol, sledding injury lawsuits are real concern for the city. A lawsuit in Boone, Iowa, cost that city \$12 million after a woman hit a concrete block on public property and claimed negligence on the part of the city. And in Omaha, Neb., a sledding collision with a tree paralyzed a young girl and cost the city \$2 million. Still another case, in Sioux City, Iowa, saw a man win a \$2.75 million settlement after he struck a city sign and sued.

Buol said the city did not want to restrict sledding, but was forced to because state lawmakers have not moved on legislation that would protect cities from what he called frivolous lawsuits. In Iowa, someone cannot sue a city if they are injured while doing activities like biking on public property. But sledding is not covered under that law and leaves cities open to lawsuits.

In his editorial in U.S News and World report, Buol wrote, "Our legal counsel advises us we limit our liability for negligence, which is the failure to exercise reasonable care to maintain a park safe for sledding...Safe sledding areas require inspections, ongoing evaluation and maintenance throughout the season, and we do not have the resources to do that for our other 47 parks."

According a report that looked at sledding injuries from 2000-2007 by the Center for Injury Research and Policy at Nationwide Children's Hospital, 20,000 children are injured in sledding incidents each year. These could be injuries from minor scraps, to broken bones and more serious injuries.

In a counter editorial piece in U.S. News and World Report to Buol's, Nicole Kaeding of the Cato Institute says kids should be allowed to be kids, which includes getting bumps and bruises.

"The quest for safety doesn't mean that we eliminate all the fun in childhood. Kids should be kids. As parents, we should teach our children to look, understand, listen and access their surroundings," wrote Kaeding, adding, "Banning sledding is just another absurd item fostered by overzealous safety experts."

Cities all over the country are banning sledding on public property. And others, like Des Moines, are trying to avoid all-out bans by posting signs that warn sledders of the risk. However, it doesn't completely get cities legally off the hook.

The Mayor and City Council said that if anyone has a problem with the new ordinance they should direct their frustration towards their state-elected officials in the capital. Who they say, can enact laws that would cut down on the lawsuits. The Mayor also wrote in his editorial that if more funding becomes available, they can ensure safety at more parks and open more hills for sledding.