

By David R. Leng, Chief Risk Officer, Duncan Financial Group

# Parks and Playgrounds:

## Managing Risks and Liability in Municipal Spaces

Parks and playgrounds are more than recreational spaces; they are vital to the social fabric of a community. They provide children with opportunities for physical development, encourage families to spend time outdoors, and serve as gathering places for residents of all ages. Beyond these benefits, parks play a critical role in promoting public health by encouraging active lifestyles and reducing stress.

However, these benefits come with responsibilities. Municipalities must ensure that parks are safe, accessible, and compliant with legal standards. A single safety oversight—whether it's a poorly maintained swing or an unaddressed environmental hazard—can lead to injuries, lawsuits, and eroded public trust. Proactive risk management is essential to balance the benefits of these spaces with the potential risks.

This article explores the key risks, legal considerations, and best practices municipalities can adopt to protect both their communities and themselves.

### Common Risks and Liability Concerns

Municipalities face a variety of risks when managing parks and playgrounds. Understanding these risks is the first step toward effective mitigation.

#### INJURIES

Playground injuries are among the most common risks municipalities face. According to the U.S. Consumer Product Safety Commission (CPSC), over 200,000 children are treated in emergency rooms annually for playground-related injuries.<sup>1,2</sup> Falls account for nearly 70% of these injuries, often due to inadequate surfacing or faulty equipment. Climbing structures are particularly hazardous, contributing to a significant number of injuries.

#### EQUIPMENT FAILURES

Aging or poorly maintained equipment poses serious risks. Rusted bolts, broken swings, or loose climbing structures can lead to accidents that expose municipalities to liability claims. Regular inspections and timely repairs are critical in preventing such incidents.

#### WEATHER-RELATED HAZARDS

Weather conditions such as snow, ice, or heavy rain can create hazardous environments if not addressed promptly. Slippery surfaces, waterlogged areas, or falling debris from storms can lead to injuries or property damage.

#### VANDALISM

Acts of vandalism—such as graffiti, broken equipment, or littering—not only detract from user experience but also create safety hazards. For example, damaged slides or sharp edges on tampered equipment increase the risk of injury.

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### SECURITY CONCERNS

Parks that lack adequate lighting or security measures may become hotspots for criminal activity. Incidents such as thefts or assaults not only endanger park users but also harm the municipality's reputation.

### ENVIRONMENTAL LIABILITIES

Natural features such as ponds, rivers, or steep slopes within parks can pose risks if not properly managed. Drowning hazards near water bodies or erosion along trails are examples of environmental liabilities that require attention.

## Legal and Regulatory Considerations

Municipalities operate under various legal frameworks when managing parks and playgrounds. Understanding these frameworks is essential for minimizing liability.

### PREMISES LIABILITY

Under premises liability laws, municipalities have a duty of care to maintain public spaces in a reasonably safe condition.<sup>24</sup> This includes identifying hazards promptly and taking corrective action to prevent injuries. For example, if a swing set is found unstable during an inspection but no repairs are made, the municipality could be held liable for resulting injuries.



### ADA COMPLIANCE

The Americans with Disabilities Act (ADA) requires public parks and playgrounds to be accessible to individuals with disabilities. This includes features such as wheel-chair-accessible pathways, inclusive play equipment (e.g., ramps on play structures), and adequate signage. Noncompliance can lead to legal action while alienating community members who rely on accessible facilities.

### STATE AND LOCAL REGULATIONS

In addition to federal standards like those outlined by the CPSC (Consumer Protection- Safety Commission), municipalities must adhere to state-specific regulations regarding playground safety. Compliance with ASTM (American Society for Testing and Materials) International standards for equipment design and installation is often required.

## Risk Mitigation Strategies

Effective risk management involves proactive measures that address both prevention and response.

### PLAYGROUND INSPECTIONS

Regular inspections are critical for identifying hazards before they result in accidents. Daily visual checks should be conducted by staff trained to spot obvious issues like broken equipment or debris on play surfaces. More detailed inspections should be performed monthly by certified professionals who can assess structural integrity and compliance with safety standards. One of the most common areas that needs to be addressed is raking the mulch underneath swings and slides where it has become thin.

Documentation is key during this process. Municipalities should maintain detailed records of all inspections, repairs, and incidents as part of their risk management program. You can say all you want that you inspect regularly, but if it is not written down, it did not happen.

## MAINTENANCE SCHEDULES

Proactive maintenance prevents equipment failures or environmental hazards from escalating into serious issues. Municipalities should establish seasonal maintenance schedules that account for weather-related wear-and-tear as well as routine upkeep tasks like repainting structures or replacing worn-out parts.

For example:

- **In spring:** Inspect drainage systems to prevent flooding, overflow, or pooling that could damage your property.
- **In summer:** Ensure shade structures are intact to protect users from heat.
- **In winter:** Remove snow from pathways promptly to reduce slip hazards.

## PROPER SURFACING

The type of surfacing used in playgrounds plays a significant role in injury prevention. Materials like engineered wood fiber (EWF), rubber mulch, or poured-in-place rubber provide impact absorption that reduces the severity of falls. Municipalities should ensure surfacing meets CPSC guidelines for depth and coverage around high-use areas like swings or slides.

## EQUIPMENT SELECTION

When installing new equipment or replacing outdated structures, municipalities should prioritize safety-certified products designed for specific age groups. For example:

- Toddlers require low platforms with guardrails.
- Older children benefit from more challenging climbing structures but need clear signage about age appropriateness.

Working with reputable manufacturers who adhere to ASTM standards ensures quality installations that minimize risk.

## SIGNAGE

Clear signage plays an important role in guiding park users toward safe behavior. Signs should indicate:

- Age recommendations for play areas.
- Rules such as “No Running” or “Use at Your Own Risk.”
- Municipal contact information for reporting issues.
- Hours that the park is open.

Bilingual signs may also be necessary in diverse communities to ensure accessibility for all residents.<sup>3</sup>

## SECURITY MEASURES

Enhancing security through lighting, fencing, and surveillance cameras can deter vandalism and improve user safety. For example:

- Motion-sensor lights around restrooms discourage loitering at night.
- Fencing around playgrounds prevents young children from wandering into nearby streets or unsafe areas.
- Cameras provide evidence in case of disputes or incidents requiring investigation.

## Hiring Practices and Abuse Prevention

Municipal employees play a critical role in ensuring parks remain safe spaces for all users—especially children. Robust hiring practices help mitigate risks related to abuse or misconduct.

## COMPREHENSIVE BACKGROUND CHECKS

All municipal employees—whether full-time staff or seasonal hires—should undergo thorough background checks. This includes criminal record screenings, fingerprinting, reference checks, and verification of previous employment history. For example, you want to prevent an unscreened public works employee from having access to children when they are emptying the trash or maintaining the park.

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### TRAINING AND AWARENESS

Mandatory training programs should educate employees on recognizing signs of abuse, understanding mandatory reporting requirements under state law, and fostering safe interactions with park users.

### POLICIES ON CONDUCT

Municipalities must establish clear policies outlining appropriate conduct when interacting with children or vulnerable populations. Reporting mechanisms should be accessible so employees feel empowered to report suspicious behavior without fear of retaliation.

Managing parks and playgrounds is both an opportunity and a responsibility for municipalities. By proactively addressing common risks through inspections, maintenance schedules, proper surfacing choices, security measures, robust hiring practices, and compliance with legal standards like ADA requirements, municipalities can create safe recreational spaces that enrich community life while minimizing liability exposure. **B**

<sup>1</sup> <https://www.npaih.org/wp-content/uploads/202/01/Playground-Risk-Management-Packet.pdf>

<sup>2</sup> <https://www.clarkfountain.com/blog/public-playground-safety-who-is-lia-ble-if-your-child-is-injured/>

<sup>3</sup> <https://www.laparks.org/park/park-information-municipal-and-pe-nal-codes>

<sup>4</sup> <https://www.legalmatch.com/law-library/article/personal-injury-liability-public-parks.html>

### ABOUT THE AUTHOR



David R. Leng, CPCU, CIC, CBWA, CRM, MWCA, is the author of the Amazon #1 Best Seller Business Books *The 10 Laws of Insurance Attraction*, *Insured to Fail*, as well as *Stop Being Frustrated & Overcharged* (by your workers' compensation program.) David is the Chief Risk Officer of the Duncan Financial Group in Irwin, Pa., a Keystone member. Leng is also an Institute of WorkComp Professionals instructor and serves on the PA Compensation Rating Bureau Classification and Rating Committee. He can be contacted at [dleng@duncangrp.com](mailto:dleng@duncangrp.com). For more information, visit [www.StopBeingFrustrated.com](http://www.StopBeingFrustrated.com).

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