



Maintained & operated by the Martinsburg-Berkeley County Parks & Recreation Board

Kelly Island Road • Martinsburg, WV

## SKATEPARK LIABILITY WAIVER AND RELEASE OF LIABILITY

WARNING: IN-LINE SKATING, SKATEBOARDING, AND BMX BICYCLING ARE DANGEROUS ACTIVITIES. BY ENGAGING IN THESE ACTIVITIES, THE PARTICIPANT ASSUMES THE RISK OF SERIOUS INJURY OR DEATH.

THIS IS A RELEASE OF LIABILITY—YOU MUST READ AND FULLY UNDERSTAND THIS BEFORE SIGNING. IF YOU ARE UNDER 18, YOUR PARENT OR LEGAL GUARDIAN MUST SIGN THIS WAIVER.

Participant Name: \_\_\_\_\_

Address: \_\_\_\_\_

City, State & Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ E-mail Address: \_\_\_\_\_

I, THE NAMED PARTICIPANT, for myself and on behalf of my/our heirs, assigns, personal representatives and next of kin, hereby acknowledge that I voluntarily have applied to participate and use the Berkeley County BMX/Skatepark. I understand that the act of skating necessarily involves known and unknown risks of injury to me and other people, which includes but is not limited to death, permanent or temporary paralysis, disability, illness or disease, physical or mental damage, or other injury, as well as damage to my equipment and personal property. Some of these risks include the risks inherent in skating/bmx biking such as falling and coming into contact with ramps and walls, latent or apparent defects of conditions in equipment or property, and passive or active negligent acts of myself, the Martinsburg-Berkeley County Parks & Recreation Board (MBCPRB), the City of Martinsburg, promoters, officials, advertisers, and property owners. I understand that the above list of risks is not complete or exhaustive and that those and other risks known or unknown, anticipated or unanticipated may also result in injury, death, illness, disease to myself or my property or other third parties. I voluntarily agree and promise to accept and assume responsibilities, and injuries, death, illness, disease or damage to myself or my property arising from my participation in this activity. I further understand that the MBCPRB and City of Martinsburg assumes no liability for loss, damage, or any kind of injury sustained by myself or my property while using the Berkeley County BMX/Skatepark. I therefore assume all risks associated with using the Berkeley County BMX/Skatepark, even if they arise from the negligence of the MBCPRB, the City of Martinsburg, promoters, officials, advertisers, and property owners. My participation in this activity is voluntary and no one is forcing me to participate in spite of the risks. I understand the effect of this waiver and acceptance of risk on my legal rights.

By signing this release of liability and using the Berkeley County BMX/Skatepark, I hereby fully and forever release and discharge indemnify and hold harmless the MBCPRB, the City of Martinsburg and their employees and agents from any and all liabilities, claims, demands, damages, rights of action, suits or causes of action present or future, whether they be known or unknown, anticipated or unanticipated, resulting from or arising out of my use or intended use of said skateboard/bmx bike park premises, facilities or equipment. I fully and forever release and discharge MBCPRB and the City of Martinsburg and their employees and agents from any and all negligent acts and omissions in the same, and intend to be legally bound by this release.

### **FOR PARTICIPANTS UNDER 18 YEARS OF AGE**

This is to certify that I, as a parent or guardian with legal responsibility for the above named participant, do consent and ratify his/her release of the MBCPRB and the City of Martinsburg, and its agents and employees, and, for myself, my heirs, assigned, personal representatives and next of kin, I release and agree to indemnify the MBCPRB, the City of Martinsburg, and its agents and employees from any and all liabilities incident to my minor child's involvement or participation in the Berkeley County BMX/Skatepark as provided above, even if arising from the negligence of the MBCPRB, the City of Martinsburg, and its agents and employees, to the fullest extent permitted by law. I have carefully read this release of liability and understand and fully agree with its contents.

\*\*\*\*\*BACK OF THIS FORM MUST BE COMPLETED\*\*\*\*\*

\_\_\_\_\_  
Name of participant using facility (print)

\_\_\_\_\_  
Date of Birth

\_\_\_\_\_  
Signature of participant using facility

\_\_\_\_\_  
Today's Date

\_\_\_\_\_  
Phone

\_\_\_\_\_  
If the participant is 18 or over, picture ID#

**\*\*IF THE PARTICIPANT IS UNDER 18, THIS RELEASE MUST BE SIGNED IN PERSON BY A PARENT/LEGAL GUARDIAN OR THEIR SIGNATURE MUST BE ACKNOWLEDGED BY A NOTARY PUBLIC.**

*I hereby certify that I am the parent or legal guardian of the participant named above, give my consent to the foregoing, and agree to hold the Berkeley County BMX/SKatepark harmless from any liability.*

\_\_\_\_\_  
Parent or Legal Guardian

\_\_\_\_\_  
Parent/Guardian picture ID #

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_

\_\_\_\_\_  
Notary Public