

Bond Case Briefs

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Mayor v. Harris

Court of Appeals of Georgia - November 15, 2016 - S.E.2d - 2016 WL 6747806

Parents, individually and on behalf of their minor daughter, brought action against city, alleging premises liability, negligence, and negligence per se.

City moved for summary judgment. The trial court denied the motion, but certified its order for immediate review.

The Court of Appeals held that:

- Nominal admission fee charged by city for entrance into stadium was a “charge” within the meaning of the Recreational Property Act (RPA), and
- Fact that city exempted very young children, including child injured by falling through bleachers, from admission fees did not mean that stadium was open to the public without charge, as would qualify the city for immunity under the RPA.

Nominal admission fee charged by city for entrance into stadium hosting youth football game was a “charge” within the meaning of the Recreational Property Act (RPA), as could exempt city from protections of act in action brought by parents of child who fell through the bleachers and was injured. Payment of the fee was a requirement for entry onto the facility where the injury occurred, and it was immaterial that city argued that the fees it collected were used to defray the maintenance cost of the facility.

Fact that city exempted very young children, including child injured by falling through bleachers, from admission fees did not mean that stadium hosting youth football game was open to the public without charge, as would qualify the city for immunity under the Recreational Property Act (RPA). RPA was only applicable where property did not charge a admission fee, and city charged admission fees for child’s parents and other adults and students.