

MORRO BAY BEACH WHEELCHAIR USE

GUIDELINES AND INFORMATION

Use of a beach wheelchair (a "Beach Chair") is free and available on a first-come, first-served basis, during daylight hours only, 9 a.m. to 5 p.m. Below are some requirements, guidelines, and recommendations for making your use of the Beach Chair more enjoyable:

1. A valid Photo I.D. and completed Liability Release Form are required to check out a Beach Chair. Please give a fully executed waiver to staff prior to use.
2. The Beach Chair is stored in a small shed located next to the restrooms near Morro Rock on Embarcadero. There is a disabled parking space located near the Beach Chair storage shed.
3. Always check the Beach Chair's tire volume before use. Tire circumference should be 50 centimeters for proper use. Air pump is available in the shed. No modifications are to be made to the Beach Chair.
4. Please use the Beach Chair in the vicinity of Morro Rock City Beach only.
5. Bring a friend. The manual Beach Chairs may be difficult or impossible to self-propel in certain sand conditions, and staff are not able to provide assistance with pushing the Beach Chair.
6. The manual Beach Chairs are designed to travel through very shallow water (1 to 6 inches deep) but must ALWAYS BE USED WITH CAUTION. A BEACH CHAIR IS NOT A FLOTATION DEVICE. The Beach Chair safety belt must be worn at all times when in use. Always lock front wheels in place whenever Beach Chair is stationary. PLEASE NEVER LEAVE THE BEACH CHAIR UNATTENDED.
7. Keep track of time. Please be aware and confirm when you must return the Beach Chair for use by another.
8. Rinse off the manual Beach Chairs with fresh water after use.
9. You and your guest's personal property may be stored in the shed at your own risk. The City of Morro Bay does not assume any responsibility or liability for the care or security of your personal possessions. Your use of the storage shed for the storage of anything other than the Beach Chair is at your own risk of loss. Do not store anything of value in the storage shed.
10. Please report any issues to City of Morro Bay Harbor Department, 1275 Embarcadero, Morro Bay, CA 93446, Phone (805) 772-6254. If you see something, say something.



Beach Chairs are owned and maintained by the **City of Morro Bay Harbor Department**.

Check out Time: _____ Return Time: _____

REQUIRED INFORMATION (Person using Beach Accessible Wheelchair must complete the following)

Name: _____

Driver license #: _____ Email: _____

Home address: _____ Phone number: _____

City, State, Zip Code: _____

Attendant/Guest/Companion(s): _____

WAIVER AND RELEASE OF LIABILITY FORM

In consideration of the undersigned's use of the Beach Accessible Wheelchair (the Beach Chair),
_____ (adult user)

or if applicable _____ (parent/guardian for minor user) of
_____ (minor user)

hereby assumes all of the risks of use of the Beach Chair, including but not limited to, any risks that arise from negligence or carelessness on the part of the CITY OF MORRO BAY, MORRO BAY HARBOR DEPARTMENT, and/or their elected officials, officers, directors, agents, employees and volunteers (collectively the "GROUP"). The undersigned hereby acknowledges and agrees that the Group is hereby released from all claims, all liability, and all damages associated with or arising from any dangerous or defective equipment or the property, owned, maintained, or controlled by any member of the Group; the actions of any member of the Group; and any and all other possible claims, damages, and/or liability arising from the undersigned's use of the Beach Chair other than claims arising from the Group's intentional misconduct or gross negligence.

I ACKNOWLEDGE THAT THIS WAIVER AND RELEASE OF LIABILITY FORM IS A MATERIAL PART OF THE CONSIDERATION ASSOCIATED WITH AND EXCHANGED FOR MY USE OF THE BEACH CHAIR AND THAT THE RELEASES AND WAIVERS HEREIN CONTAINED ARE BEING RELIED UPON BY THE GROUP IN EXCHANGE FOR MY USE OF THE BEACH CHAIR AND THAT THIS AGREEMENT GOVERNS MY USE OF THE BEACH CHAIR AND MY RESPONSIBILITIES FOR ITS USE. **Initials:**

1. The Beach Chair User or parent/guardian of the User (collectively the “Beach Chair User”) agrees that prior to any use of the Beach Chair the Beach Chair User shall inspect the Beach Chair and access point(s) to be used and determine for themselves if Beach Chair is safe for use. If any parts of the Beach Chair appear to be unsafe, the Beach Chair User shall immediately report the same to City of Morro Bay, Morro Bay Harbor Department, and shall not use the Beach Chair.
2. The Beach Chair User hereby acknowledges and agrees that the Beach Chair is not designed for use on stairs and shall not under any circumstances be utilized upon any stairs or stairways, nor shall it be used as a floatation device.
3. The Beach Chair User acknowledges the use of the Beach Chair by persons over 300 lbs. may be dangerous and presents possibilities of injury to the Beach Chair User and third parties.
4. The Beach Chair User acknowledges, assumes, and fully understands that using the Beach Chair under any circumstances will be engaging in activities that involve inherent risks of personal injury, including permanent disability or death, and severe social and economic loss, which might result not only from their own actions, inactions, or neglect, but the actions or negligence of others, or the condition of the premises or the equipment being used. Further, there may be risks unknown or unforeseen by the Beach Chair User at this time or time of actual use. The Beach Chair User hereby assumes all such risks and releases the Group from liability, damages, or claims associated with such uses.
5. The Beach Chair User assumes all the foregoing risks and accepts personal responsibility for damages to the Beach Chair and/or the Beach Chair User, following any such injury, permanent disability, or death.
6. The Beach Chair User hereby agrees to indemnify, defend, and hold harmless the Group from and against any and all liability and expenses, including defense cost and legal fees, relating to the Beach Chair User’s use of the Beach Chair , which result from bodily injury, death, personal injury, or property damage (including damage to the Beach Chair User and/or Attendant’s/Guest’s/ Companion’s property), other than liability and expenses arising from the gross negligence or intentional misconduct of the Group.

THE UNDERSIGNED HAS READ ALL OF THE ABOVE INFORMATION, WAIVERS, AND RELEASES OF LIABILITY, AND UNDERSTANDS THAT THEY HAVE VOLUNTARILY GIVEN UP SUBSTANTIAL RIGHTS BY SIGNING THIS WAIVER AND RELEASE OF LIABILITY FORM.

Printed Name of Beach Chair User Date Signature
(If under 18 years old, Parent or Guardian must also sign.)

Printed Name of Parent or Guardian Date Signature