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Minn. R. Civ. App. P. 136.01, subd. 1(c).*

**STATE OF MINNESOTA
IN COURT OF APPEALS
A20-0876**

Lineth Arrocha, et al.,
Appellants,

vs.

Como Park Zoo And Conservatory, et al.,
Respondents.

**Filed March 29, 2021
Affirmed
Smith, Tracy M., Judge**

Ramsey County District Court
File No. 62-CV-19-1214

Aaron W. Ferguson, Aaron W. Ferguson, P.L.L.C., Roseville, Minnesota (for appellants)

Lyndsey M. Olson, St. Paul City Attorney, Anissa M. Mediger, Assistant City Attorney,
St. Paul, Minnesota (for respondents)

Considered and decided by Ross, Presiding Judge; Connolly, Judge; and Smith,
Tracy M., Judge.

NONPRECEDENTIAL OPINION

SMITH, TRACY M., Judge

Appellants Lineth Arrocha and her mother Edith Mariela Ruiz challenge the summary-judgment dismissal of their negligence claims against respondents Como Park Zoo and Conservatory and the City of Saint Paul. Appellants' negligence claims arise from

personal injuries that they suffered when they tripped and fell on a raised sidewalk joint while visiting the zoo.

Appellants first argue that the district court erred by determining as a matter of law that the zoo (and, by extension, the city) qualifies for recreational-use immunity and that the trespasser exception to recreational-use immunity does not apply. They also argue that alleged code violations under the Americans with Disabilities Act (ADA) and the Minnesota Accessibility Code (MAC) foreclose the application of recreational-use immunity. Finally, appellants argue that applying recreational-use immunity here violates their constitutional right to equal protection. We affirm.

FACTS

On appeal from summary judgment, a reviewing court must construe the evidence in the light most favorable to the party against whom judgment was granted. *Fabio v. Bellomo*, 504 N.W.2d 758, 761 (Minn. 1993) (citation omitted). Applying that principle, we consider the facts as follows.

In March 2016, appellants visited the zoo with their family. While they were walking together, Ruiz tripped and fell on a raised sidewalk joint. The raised sidewalk joint created a lip between an inch and a half and two inches high. As Ruiz fell, she tried to hold onto Arrocha, which led to Arrocha's fall. The falls took place near the Gorilla Forest area of the zoo in a plaza where there are often picnic tables and umbrellas for guests to relax and eat. The zoo constructed the plaza as part of its 2013 renovations and has not done any work to the plaza since its construction. There were no signs calling attention to the raised sidewalk joint, and a shadow partially concealed the lip.

As a result of their falls, appellants sustained physical injuries. Arrocha suffered injuries to her hips and lower back. The injury to her lower back required surgery. Ruiz suffered injuries to her head, neck, and lower back, and to her right shoulder, leg, and ankle. Appellants contend that respondents' negligence by failing to remedy the raised sidewalk joint led to their personal injuries.

The zoo, which is part of the larger Como Park, is owned by the city and operated by the city's department of parks and recreation. The city bought the land for Como Park in 1873 and has continuously used the land as a public park since that time.

As a public space, the zoo is subject to various code requirements, derived, in part, from the MAC and federal regulations promulgated under the ADA. The park maintenance supervisor testified at his deposition that the zoo conducts almost daily inspections of the zoo grounds and that similar, easily remedied, defects had been found on other walkways. In addition, maintenance employees at the zoo conduct semiannual reviews to identify and address major defects. Several park officials testified during their depositions that the zoo has no discretion as to whether to fix code violations; if there is a violation, the zoo must remedy it.

Appellants sued the zoo and the city for negligence. Both respondents moved for summary judgment.

The district court determined that there was no genuine issue of material fact as to the application of recreational-use immunity and that respondents are immune as a matter of law, precluding respondents' liability for appellants' injuries. As part of that

determination, the district court concluded that the trespasser exception to recreational-use immunity did not apply.

This appeal follows.

DECISION

We review de novo a district court's summary judgment decision. *See Riverview Muir Doran, LLC v. JADT Dev. Co., LLC*, 790 N.W.2d 167, 170 (Minn. 2010) (citation omitted). "In doing so, we determine whether the district court properly applied the law and whether there are genuine issues of material fact that preclude summary judgment." *Id.* Summary judgment is appropriate "when the pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits, if any, show that there is no genuine issue of material fact and that either party is entitled to a judgment as a matter of law." Minn. R. Civ. P. 56.03. Because this case presents issues of the application of a statute to the facts of the case, it presents questions of law, which are also reviewed de novo. *See STAR Ctrs., Inc. v. Faegre & Benson, L.L.P.*, 644 N.W.2d 72, 76 (Minn. 2002). On appeal, we view the evidence in the light most favorable to the party against whom judgment was granted. *See Fabio*, 504 N.W.2d at 761. The moving party has the burden to show that summary judgment is appropriate. *Valspar Refinish, Inc. v. Gaylord's, Inc.*, 764 N.W.2d 359, 364 (Minn. 2009).

Appellants make four arguments in support of their assertion that the district court erred by granting summary judgment against them. First, they contend that the district court erred by applying recreational-use immunity because the zoo does not qualify for it. Second, they argue that, even if recreational-use immunity could apply to the zoo, it does

not apply in this case because of the trespasser exception to immunity. Third, they assert that various code violations nullify any claim of immunity. Finally, they argue that the application of recreational-use immunity violates their equal-protection rights. Appellants seek a ruling either that recreational-use immunity does not apply as a matter of law or that there are genuine issues of material fact barring summary judgment. We address each of appellants' arguments in turn.

I. Recreational-use immunity generally applies to the zoo.

Municipalities are generally liable for their torts. Minn. Stat. § 466.02 (2020). One exception to this general rule is when the claim is barred by “recreational-use immunity.” *See Ariola v. City of Stillwater*, 889 N.W.2d 340, 353-54 (Minn. App. 2017). The statute codifying recreational-use immunity provides that it applies to “[a]ny claim based upon the construction, operation, or maintenance of any property owned or leased by the municipality that is intended or permitted to be used as a park, as an open area for recreational purposes, or for the provision of recreational services.” Minn. Stat. § 466.03, subd. 6e (2020).

Appellants argue that the zoo does not qualify for immunity under this statute. To evaluate the argument, we must interpret the statute. The object of statutory interpretation is to “ascertain and effectuate the intention of the legislature.” *See* Minn. Stat. § 645.16 (2020). We apply the plain meaning of a statutory provision if the legislative intent “is clear from the unambiguous language of the statute.” *See Staab v. Diocese of St. Cloud*, 853 N.W.2d 713, 716-17 (Minn. 2014). In determining whether a statute is unambiguous, we construe nontechnical words and phrases “according to their plain and ordinary

meanings.” *See Larson v. Nw. Mut. Life Ins. Co.*, 855 N.W.2d 293, 301 (Minn. 2014); *see also* Minn. Stat. § 645.08(1) (2020).

Appellants argue that the statute does not apply because the zoo is not a “park.” Since “park” is not a term defined by statute, appellants rely on a dictionary definition of “park” as “a piece of ground in or near a city or town kept for ornament and recreation” or “an area maintained in its natural state as a public property.” *Merriam-Webster Dictionary*, <https://www.merriam-webster.com/dictionary/park> (last visited Mar. 19, 2021). Appellants contend that the zoo is not a “park” because it is neither used for “recreation” nor maintained in a “natural state.”

We conclude that, under the plain meaning of section 466.03, subdivision 6e, the statute unambiguously applies to the zoo. Under the statute, immunity applies to “property . . . intended or permitted to be used as a park.” Minn. Stat. § 466.03, subd. 6e. Even using the dictionary definition of “park” suggested by appellants, the zoo fits neatly within the meaning of the statute. The zoo lies within Como Park. The record shows that the city built Como Park on land bought by the city in 1873 and that the city has continuously used that land as a park since then. The zoo is operated by the city’s department of parks and recreation, and it is free and open to the public. As part of Como Park, the zoo has been intended and permitted to be used by the public.

And the public, we conclude, uses the zoo for “recreation.” Section 466.03, subdivision 6e, applies recreational-use immunity to property used “as an open area for recreational purposes.” Minn. Stat. § 466.03, subd. 6e. “Recreation” is not defined by statute, but it carries a dictionary definition of the “refreshment of strength and spirits after

work.” *Merriam-Webster Dictionary*, <https://www.merriam-webster.com/dictionary/recreation> (last visited Mar. 19, 2021). People go to the zoo to relax, observe animals, and enjoy time outdoors. These activities aid in the “refreshment of strength and spirits.” Thus, the zoo meets the dictionary definition of “recreation.”

But appellants contend that “recreation” has a much narrower meaning; they equate the term “recreation” in section 466.03, subdivision 6e, with the term “outdoor recreation” as that term is used and defined in a different Minnesota statute—specifically, Minn. Stat. § 86A.03, subd. 3 (2020). That statute is part of Minnesota Statutes chapter 86A, the “Outdoor Recreation Act of 1975,” Minn. Stat. § 86A.01 (2020), which establishes a system of state parks, recreation areas, trails, and other state areas and facilities, Minn. Stat. § 86A.04 (2020). The Outdoor Recreation Act defines “outdoor recreation” as

any voluntary activity, including hunting, fishing, trapping, boating, hiking, camping, and engaging in winter sports, which is conducted primarily for the purposes of pleasure, rest, or relaxation *and is dependent upon or derives its principal benefit from natural surroundings*; “outdoor recreation” shall also mean any demonstration, structure, exhibit, or activity which is primarily intended to preserve, demonstrate, or explain a significant aspect of the natural and cultural history, and archaeology of Minnesota[.]

Minn. Stat. § 86A.03, subd. 3 (emphasis added). For recreational-use immunity to apply, appellants argue, the recreation must derive from “natural surroundings.” Because the zoo is an artificial environment, they contend, recreational-use immunity cannot apply.

This argument fails for two reasons. First, appellants’ definition of “outdoor recreation” only applies to the state’s “outdoor recreation system.” Minn. Stat. § 86A.03, subd. 1 (2020). The state outdoor recreation system does not include municipal parks. *See*

Minn. Stat. § 84A.04 (defining what state-owned properties constitute the “outdoor recreation system”). Thus, this statutory definition is inapplicable.

Second, we have repeatedly applied municipal recreational-use immunity to claims arising from artificial or manufactured environments. *See, e.g., Prokop v. Indep. Sch. Dist. No. 625*, 754 N.W.2d 709, 714 (Minn. App. 2008) (concluding that public school district qualified for recreational-use immunity for injury occurring in a batting cage); *Unzen v. City of Duluth*, 683 N.W.2d 875, 879 (Minn. App. 2004) (concluding that municipality generally qualifies for recreational-use immunity for injury occurring inside a clubhouse on a municipal golf course but that the trespasser exception to immunity applied); *Lundstrom v. City of Apple Valley*, 587 N.W.2d 517, 519 (Minn. App. 1998) (concluding that municipality qualified for recreational-use immunity for injury occurring on an indoor tennis court).

Our decision in *Unzen* is most apposite here. In *Unzen*, we concluded that recreational-use immunity could apply to a claim by an individual who tripped and fell down a stairway in a clubhouse on a municipal golf course. 683 N.W.2d at 879. In doing so, we rejected the argument that recreational-use immunity extends to only users of property while they are engaged in recreational activities or within a building designed to house recreational activities. *Id.* Instead, we explained that recreational-use immunity “is not based on what the injured person was doing, but on the intended recreational function of the property.” *Id.* Because the clubhouse was “part of the same property as the golf course, provides services related to the course, and facilitates use of the course,” recreational-use immunity (absent an exception) would apply to any tort within the

clubhouse. *Id.* The same reasoning applies here. Appellants tripped and fell in a plaza where patrons of the zoo could relax and eat. Because the plaza is part of the same property as the rest of the zoo, provides services related to the zoo, and facilitates recreation at the zoo, recreational-use immunity applies.

Applying recreational-use immunity to the claim here also accords with other caselaw concluding that recreational-immunity applied as a matter of law. *See, e.g., Johnson v. Washington County*, 518 N.W.2d 594, 598-99 (Minn. 1994) (applying recreational-use immunity to artificial swimming pond in a county park); *Habeck v. Ouversen*, 669 N.W.2d 907, 908 (Minn. App. 2003) (applying immunity for torts at county fairgrounds when a tractor-trailer transporting fairgoers fatally injured a visitor), *review denied* (Minn. Dec. 23, 2003); *Stiele ex rel. Gladioux v. City of Crystal*, 646 N.W.2d 251, 254 (Minn. App. 2002) (applying the standard to city parks generally); *Lloyd v. City of St. Paul*, 538 N.W.2d 921, 924 (Minn. App. 1995) (applying recreational-use immunity to an accident caused by paddle boats used in a city park), *review denied* (Minn. Dec. 20, 1995). We therefore reject appellants' argument that the zoo does not qualify for recreational-use immunity.

II. Appellants, as a matter of law, cannot establish the trespasser exception.

Appellants argue that, even if the zoo generally qualifies for recreational-use immunity, the district court erred by concluding as a matter of law that the trespasser exception to immunity does not apply.

Recreational-use immunity is not absolute. Minn. Stat. § 466.03, subd. 6e, provides that the immunity does not preclude “the liability of a municipality for conduct that would

entitle a trespasser to damages against a private person.” If recreational-use immunity applies to the zoo, but appellants have presented sufficient evidence to meet the requirements of the trespasser exception, summary judgment is inappropriate.

To interpret the statutory trespasser exception to recreational-use immunity, the Minnesota Supreme Court has adopted the Restatement (Second) of Torts § 335 (1965). *Johnson*, 518 N.W.2d at 599. Under section 335, a landowner is liable for any bodily harm that a trespasser suffers due to the landowner’s failure to exercise reasonable care to warn of an artificial condition if (1) the condition is one that the landowner created or maintains, (2) the condition is likely to cause death or serious bodily harm, (3) the landowner knows of this danger, and (4) the danger is concealed or hidden. *Id.* The burden is on appellants to establish all four elements to defeat an immunity claim. *See Krieger v. City of St. Paul*, 762 N.W.2d 274, 276 (Minn. App. 2009). If appellants fail to submit sufficient evidence to meet any one of the elements of the trespasser exception, recreational-use immunity bars their claim. *See id.* at 277.

The first element—that the condition is one the landowner created or maintains—is not at issue. Neither party contests that the raised sidewalk joint was not created or maintained by the zoo and the city. We therefore turn to the remaining three elements.

A. The raised sidewalk joint was unlikely to cause death or serious bodily harm.

In assessing whether an artificial condition is likely to cause death or serious bodily harm, we do not rely on the actual injuries suffered in the case. *Johnson v. State*, 478 N.W.2d 769, 773 (Minn. App. 1991), *review denied* (Minn. Feb. 27, 1992). Instead, we

consider whether the condition was “likely to cause serious bodily harm.” *Id.* It is not enough “that serious bodily harm might actually result.” *Id.* (quotation omitted). If serious injury is only a remote possibility, then the condition does not “rise to the level of an inherently dangerous condition.” *Id.*

The raised sidewalk joint at the zoo was not a condition likely to cause death or serious bodily harm. The lip was around one and a half to two inches. While appellants suffered major injuries, including some that required surgery, one could not reasonably have anticipated that such serious injuries were likely to result from tripping over the raised sidewalk joint. Thus, the raised sidewalk joint was not a condition likely to cause death or serious bodily harm.

This conclusion is supported by our decision in *Johnson*. There, a woman severely injured her wrist when she tripped over a raised sidewalk joint at a travel information center. *Id.* at 770-71. We concluded that the raised sidewalk joint was not a condition likely to cause death or serious bodily harm. *Id.* at 773. The sidewalk joint in *Johnson* was around an inch to an inch and a half tall. *Id.* at 770-71. We reasoned that, while the woman did suffer a severe injury, it was not a likely injury and therefore the raised sidewalk joint was not an inherently dangerous condition. *Id.* at 773. Here, as in *Johnson*, there is no genuine issue of material fact as to whether the raised sidewalk joint was a condition likely to cause death or serious bodily harm.

Appellants rely on *Unzen* to argue that we should look to the prevalence of serious injury or death caused by the artificial condition rather than to whether the artificial condition itself has dangerous propensities. *Unzen*, 683 N.W.2d at 880-81. In *Unzen*, we

concluded that 40-year-old metal nosing at the top of a staircase in a golf clubhouse was likely to cause death or great bodily harm, thus establishing the trespasser exception to recreational-use immunity. *Id.*

But *Unzen* differs from this case in three ways. First, *Unzen* noted that Minnesota’s caselaw “is replete with instances where falling down a flight of stairs has caused death or serious bodily harm.” *Id.* at 881 (citing cases). In contrast, here, appellants have not made a showing, other than citing to one district court opinion, that tripping over a raised sidewalk joint typically causes death or serious bodily harm. Second, in *Unzen*, around a dozen people had tripped and fallen down the same stairway that caused the injury in that case. *Id.* at 880-81. Here, appellants have not presented any evidence that the particular sidewalk joint on the zoo’s plaza caused multiple individuals to fall and suffer serious injuries. Third, stairs are inherently more dangerous than a paved plaza. Falling down stairs exposes a person to a greater range of injuries than falling onto a flat, paved surface. In fact, in *Unzen*, we specifically contrasted the risk of falling down stairs with the risk of tripping over a raised sidewalk. *See id.* at 881 (explaining that, in *Johnson*, we held that a raised sidewalk joint was not a condition likely to cause death or serious bodily harm).

Based on the record here, there is no genuine dispute of fact that the raised sidewalk joint was not a condition likely to cause death or serious bodily harm.

Although appellants’ trespasser-exception argument fails because they cannot establish this first element, for completeness we evaluate the remaining two elements.

B. The zoo did not have actual knowledge of the raised sidewalk joint.

For the landowner to “know” of the danger, they must have actual knowledge of the serious danger posed by the dangerous condition. *Ariola*, 889 N.W.2d at 355.¹ The parks maintenance supervisor testified that zoo employees inspect the property almost every day and that similar issues with sidewalk joints are common. The zoo also conducts a semiannual review of the property to identify major defects. Based on the record, no inspection revealed the specific raised sidewalk joint that caused appellants’ injury and zoo workers did not recall any complaints over this specific sidewalk joint before appellants’ accident.

Thus, appellants failed to establish that there was a genuine issue of material fact of the zoo’s actual knowledge of the raised joint.

C. The raised sidewalk joint was not concealed or hidden.

Finally, appellants must show that they can establish that the raised sidewalk joint was concealed or hidden. *Id.* at 354. In determining whether a condition is hidden, we look to “the visibility of the condition, not . . . whether the injured party actually saw the danger.” *Lishinski v. City of Duluth*, 634 N.W.2d 456, 459 (Minn. App. 2001). If one can

¹ Appellants assert that it is still undecided by the Minnesota Supreme Court whether actual knowledge is required. While this may be true, this court has repeatedly held that the landowner must have actual knowledge of the dangerous condition for the trespasser exception to apply. See *Ariola*, 889 N.W.2d at 355 (citing *Krieger*, 762 N.W.2d at 278; *Prokop*, 754 N.W.2d at 715; *Lundstrom*, 587 N.W.2d at 520; *Cobb v. State, Dep’t of Nat. Res.*, 441 N.W.2d 839, 841-42 (Minn. App. 1989); *Lawler v. Soo Line R.R.*, 424 N.W.2d 313, 317 (Minn. App. 1988), *review denied* (Minn. Aug 24, 1988); *Henry v. State*, 406 N.W.2d 608, 612 (Minn. App. 1987), *review denied* (Minn. Aug. 12, 1987)).

see the danger with a “brief inspection,” then the danger is not hidden. *Id.* (quoting *Johnson*, 478 N.W.2d at 773).

Appellants argue that, because of a shadow, it was hard to see the raised sidewalk joint. They also argue that, because the visitors at the zoo are looking at the exhibits, they are not looking for tripping hazards and therefore the raised sidewalk joint was hidden. But this interpretation of the concealed or hidden requirement conflicts with our decision in *Johnson*. There, we concluded that a raised sidewalk joint at a travel information center was not a concealed danger. *Johnson*, 478 N.W.2d at 773. We reasoned that the raised sidewalk joint was not hidden, even though there was no posted warning cautioning visitors of the raised sidewalk joint, because a brief inspection would have revealed the raised sidewalk joint. *Id.*

Here, too, there were no warnings about the raised sidewalk joint. But, although some evidence shows that the raised sidewalk joint might have been slightly concealed by shadows, on this record, as in *Johnson*, a brief inspection still would have revealed the hazard. While appellants state that they did not see the raised sidewalk joint before they fell, the “test is not whether the injured party saw the danger, but whether it was in fact visible.” *Id.* (quotation omitted). Here, the raised sidewalk joint was visible.

The undisputed evidence establishes that appellants cannot satisfy three elements of the trespasser exception to recreational-use immunity.²

² Appellants spend a significant amount of time in their brief requesting that we reevaluate court of appeals caselaw interpreting the trespasser exception to recreational-use immunity. We decline to do so. As the supreme court has explained, “following precedent promotes stability, order, and predictability in the law.” *Fleeger v. Wyeth*, 771 N.W.2d 524, 529

III. The zoo’s alleged code violations do not overcome recreational-use immunity.

Appellants next argue that the raised sidewalk joint violated various code requirements under the MAC and ADA and that those violations overcome recreational-use immunity. Specifically, they assert that the codes gave the zoo no discretion to permit a raised sidewalk and that the zoo is therefore not entitled to immunity because a municipality is liable for torts resulting from non-discretionary acts under Minn. Stat. § 466.02.³

Appellants’ argument appears to conflate recreational-use immunity and discretionary immunity. Section 466.03, subdivision 1, states that a municipality is not liable for “any claim enumerated in this section.” Minn. Stat. § 466.03, subd. 1 (2020). Section 466.03 goes on to separately list claims protected by discretionary immunity and claims protected by recreational-use immunity. *See* Minn. Stat. § 466.03, subds. 6, 6e. The statute thus makes clear that recreational-use immunity and discretionary immunity are independent exceptions to municipal tort liability. Because respondents meet the requirements of recreational-use immunity, there is no statutory requirement that they meet the requirements of discretionary immunity to be protected from tort liability. Appellants

(Minn. 2009) (citation omitted). Appellants have not shown a reason to depart from our precedent.

³ A municipality is immune from tort liability for its discretionary acts. Minn. Stat. § 466.03, subd. 6 (2020). To determine what classifies as “discretionary” courts distinguish between “planning” and “operational” functions of government. *Schroeder v. St. Louis County*, 708 N.W.2d 497, 504 (Minn. 2006) (citation omitted). If the act occurred as part of a planning-level function, discretionary immunity applies. *Id.* If the act occurred as part of an operational-level function, discretionary immunity does not apply. *Id.*

cannot use respondents' alleged nondiscretionary acts under the ADA and MAC to nullify recreational-use immunity.

IV. Recreational-use immunity does not violate appellants' right to equal protection.

Finally, appellants challenge application of recreational-use immunity as a violation of equal protection.

Under equal-protection analysis, when a statute does not involve a suspect class, as is the case here, we apply the rational-basis standard. *See Gluba ex rel. Gluba v. Bitzan & Ohren Masonry*, 735 N.W.2d 713, 719 (Minn. 2007). Under that standard, we consider whether: (1) the distinctions separating the individuals in the class from others are genuine and substantial; (2) a clear connection exists between the distinctive needs peculiar to the class and the prescribed remedy; and (3) the statute furthers a legitimate state purpose. *See Wegan v. Village of Lexington*, 309 N.W.2d 273, 280 (Minn. 1981) (quotation omitted).

Under the statutes governing municipal liability, persons who are injured while using city property intended to be used as a park or for recreation are treated differently from those who are injured while using other city property. Persons injured while using recreational city property face the barrier of recreational-use immunity, while the others do not.

Respondents argue that this classification is necessary for municipalities to provide low-cost recreational services to citizens by insulating municipalities from the potentially large tort liability caused by operating recreational areas. Thus, respondents argue, the legislature had a rational basis for passing the statute codifying recreational-use immunity.

This rationale underpins our analysis in *Lloyd*. There, we upheld recreational-use immunity in the face of an equal-protection challenge because “it is rational to relieve the state of potentially huge tort liability for damages to property caused by the operation of outdoor recreational areas.” *Lloyd*, 538 N.W.2d at 925 (quotation omitted).

Appellants argue that relying on *Lloyd* would overextend the policy supporting recreational-use immunity. They argue that a zoo is not a park and, because the sidewalk is unnatural and the zoo bans forms of recreation like running or playing football or soccer, the classification between individuals is not a genuine and substantial distinction. But the paddle boat at issue in *Lloyd* was not a “natural” condition, and we concluded that the statute was constitutional in that context. *Id.* And we have repeatedly extended recreational-use immunity to artificial properties and hazards. *See, e.g., Unzen*, 683 N.W.2d at 879. Thus, concluding that recreational-use immunity constitutionally applies to the zoo is in line with our precedent.

Appellants urge us to reconsider our holding in *Lloyd*, arguing that the current state of recreational-use immunity is too broad. But they provide little support for this argument, and, considering the deference given to previous decisions, we rely on *Lloyd* to find the recreational-use immunity statute constitutional. *See Fleeger*, 771 N.W.2d at 529.

Based on the uncontested facts, and taking all inferences in appellants’ favor, we conclude that recreational-use immunity applies as a matter of law and that the district court did not err by granting summary judgment for respondents on appellants’ claims.

Affirmed.