



**TO:** Ed Pawlowski, Mayor  
**FROM:** Lindsay L. Taylor, Director of Parks & Recreation  
**DATE:** February 1, 2018  
**SUBJECT:** Update to Park Rules Recommendation

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### **ISSUE**

Several issues and an improvement to the City park system requires an update to Title Seven- Parks and Hamilton Street Regulations, Article 951, Park Regulations.

### **BACKGROUND**

Four issues that impact the City's park system or involve improvements that have been made in the parks require updating the park regulations.

1. **Other Power-Driven Mobility Devices (OPDMDs):** The U. S. Department of Justice (DOJ) has implemented regulations that focus on the use of wheelchairs and other power-driven mobility devices (OPDMD) for activities through the Americans with Disabilities Act (ADA). An assessment of multi-use shared paths in the Lehigh Parkway was conducted to determine the type of power-driven devices that can be used to access the multi-use shared paths that run through the Parkway. The use of power-driven mobility devices is limited to individuals with mobility disabilities. The proposed change links the park regulations to the proposed OPDMD policy.
2. **Dogs:** This spring, the City will open its first off-leash dog park. Proposed changes include listing the rules for use of the dog park and identifying the dog park as the one place where dogs are allowed to be off leash.

3. **Swimming in Creeks in City Parks:** The percentage of minority youth nationwide that cannot swim is estimated to be 70%. This percentage grows to 79% in families with an income of less than \$50,000 per year! The Department of Parks & Recreation is committed to the importance of teaching swimming as necessary life skill and offers several programs, fee-based and free to residents, including an instructional swim program, a growing free swim lesson program as part of our Summer Playground program and various free events. The City also provides four (4) swimming pools and two (2) spray parks. However, many chose to swim unguarded in creeks that run through the City's parks. Wading or bathing in unguarded areas like creeks where the depth and water current can change quickly can result in tragedy. This almost happened last summer when a young girl nearly drowned in a section of Jordan Creek in Jordan Park, where a large group had congregated.

Swimming holes like the one in Jordan Park exist in other parks as well. Large groups of adults and children come to these spots in the summer to spend the day along the banks of the creeks grilling, playing loud music, drinking and swimming or wading in the creek. Besides being unsafe, the noise and monopolization of the creek impacts other park users who may want to fish in the stocked creeks that are renowned for fishing, or walk or jog on a path in the park, and otherwise enjoy the beauty that our parks are known for.

As a result, for reasons of safety and to ensure our parks are being used for the benefit of all and as they were intended, I believe it is necessary to prohibit swimming in creeks that run through the City's parks.

4. **Large Group Outings:** Large groups continue to use City parks for group outings in the summer impacting others using the parks and the parks themselves. Piles of used charcoal are regularly left behind along with trash, grills, cases of empty beer bottles, broken chairs, etc. Proposed changes to the regulations seek to restrict the use of grills and amplified music in parks.
5. **Permits:** We are receiving an increasing number of applications that contain false information to avoid paying the required fees. This has included applicants seeking permits for "pick-up games" or "family picnics" that we discovered were actually day long events involving several hundred participants, teams in uniforms, umpires, music, food and alcohol. Proposed changes to the regulations include defining "pick-up" games and giving Parks & Recreation the ability to revoke a permit if a group provides false information on their application.

### **REVISIONS**

Following please find a detailed list of recommended changes to the Park Regulations highlighted in yellow;

#### **951.04 Definitions:**

**ADD:**

**Vehicles:** Any conveyance, including motor vehicles, buses, trailers of all types, campers, tricycles, bicycles, motorized or not; sleds, sleighs, snowmobiles, all-terrain vehicles (ATV), **Electric-Power-Driven Mobility Devices (EPDMDs)**, pushcarts, or vehicles propelled by other than muscular power. Also any horse or horse drawn conveyance.

**Roads:** A wide way leading from one place to another, especially one with a specially prepared surface that vehicles can use.

**Multi-Use Shared Path:** A path that has been designed primarily for use by bicyclists and pedestrians, including pedestrians with disabilities, for transportation and recreation purposes.

**Electric Power Driven Mobility Device (EPDMD):** Any mobility device powered by batteries, whether or not designed primarily for use by individuals with mobility disabilities – that is used by individuals with mobility disabilities for purposes of locomotion, including golf cars, electronic personal assistance mobility devices (EPAMDs), such as the Segway PT, or any mobility device designed to operate in areas without defined pedestrian routes, but that is not a wheelchair.

#### **951.05 STRUCTURES, PLANTS, TREES, EARTH, RUBBISH**

**ADD:** K. Walk a dog without a leash in parks or areas within parks where dogs are permitted, except within the fenced area that comprises the Dixon Street Dog Park, with a valid permit that has been issued by the Department of Parks & Recreation. Said leash to be no longer than 6 feet.

**DELETE:** M. Operate a snowmobile

N. Operate an all-terrain vehicle

#### **951.08 VEHICLES**

**ADD:**

C. Drive or operate any vehicle that emits excessive or unusual noise, noxious fumes, dense smoke, or other pollutants.

E. Persons with a mobility disability may use any electric-power driven mobility device (EPDMD) on multi-use shared paths in the Lehigh Parkway that is no heavier than 550 pounds, does not exceed a noise level of 60 dBA and is no wider than 36 inches. All power-driven wheelchairs are permitted. Segways are permitted. No other power driven vehicles may be used, including, but not limited to any gas or similarly powered combustible vehicles, ATV's, golf carts or dirt bikes. For safety purposes, and in consideration of public enjoyment, the speed limit on multi-use shared paths shall be 12 MPH for all mobility devices operated on the paths, regardless of whether the device is power-driven or non-powered driven. Users operating any of the above mentioned vehicles on multi-use shared paths must observe this speed limit at all times and must yield to oncoming pedestrians.

M. Operate a snowmobile

N. Operate an all-terrain vehicle

#### **951.14 ALCOHOLIC BEVERAGES, CONTROLLED DANGEROUS SUBSTANCES, SOLICITATION AND GAMBLING**

**REVISE:** No person shall kindle, build, maintain or use a fire, except in **City-provided** fireplaces or grill boxes **designed for such purpose**. Bonfires are not permitted without a permit. Any fire shall be continuously under the care and direction of a competent person from the time it is kindled until it is extinguished. No person shall throw away or discard and lighted match, embers, cigar, cigarette, tobacco, paper, or other material within or against any building or vehicle or under any tree or in underbrush. Embers must be **removed or** disposed of properly **in designated ash containers**.

#### **951.16 MISCELLANEOUS CONDUCT**

**ADD:** **I. Bring amplifiers, speakers and other sound amplification devices without a permit.**

#### **951.17 SWIMMING**

**ADD:** **No person shall enter creeks or waterways within City parks for the purposes of swimming or bathing unless designated for the conduct of such activity by permit.**

#### **951.19 PASSIVE PARKS**

**ADD:** **A. Build any type of fire, without a permit.**

**L. Bring amplifiers, speakers and other sound amplification devices without a permit**

#### **951.20 PERMITS**

**REVISE:** A. Permits for special events in parks and recreation areas, including, but not limited to picnics, egg hunts, festivals, **road races**, fishing contests or sports, or for the sale of items, or for the use or possession of alcoholic beverages, shall be obtained, by application to the Director of **Parks & Recreation** or designee in accordance with the following procedure.

D. Revocation: The Director of Parks & Recreation or designee shall have the authority to revoke a permit upon a finding of violation of any rule or ordinance or upon good cause shown, **such as, but not limited to, providing false information on an application.**

#### **SUMMARY**

I believe that the proposed revisions to Article 951, Park Regulations, will bring the City into compliance with federal regulations as it concerns accessibility for those with mobility disabilities in the Lehigh Parkway; they will continue our efforts to make our parks safer, and they will improve the quality of our resident's leisure experiences when they visit our parks.

I will look forward to answering any questions that you may have.