

Parks & Recreation Committee

Department of Parks & Recreation

February 28, 2018

Other Power-Driven Mobility Device Policy

- ▶ In March 2011, the U.S. Department of Justice (DOJ) issued regulations interpreting the Americans with Disabilities Act;
- ▶ Greatly expanded the types of vehicular devices that can be allowed on trails and shared use paths in public parks;
- ▶ Definition of Other Power Driven Mobility Device (OPDMD): Any mobility device, whether or not designed primarily for use by individuals with mobility disabilities, for purposes of locomotion, including cars, ATVs, golf carts, Segways or any mobility device designed to operate in areas without defined pedestrian routes, but that is not a wheelchair;

Other Power-Driven Mobility Device Policy

- ▶ Wheelchairs are devices that are specifically designed for use by people with mobility impairments and must be permitted in all areas open to pedestrian use;
- ▶ Unless local government agencies create specific written policies governing the use of motorized devices in its parks, all such devices must be allowed without restriction;
- ▶ The Lehigh Parkway is a 476 acre greenway through which the Little Lehigh Creek runs;
- ▶ It is an extremely popular natural area that is used by many for various recreational activities including running, walking, bicycling, horseback riding and fishing;

Other Power-Driven Mobility Device Policy

- ▶ The Department of Parks & Recreation, in following the requirement of the DOJ, conducted an assessment of the multi-use shared paths in the parkway and developed a policy concerning the use of Other Power-Driven Mobility Devices (OPDMDs) on these paths;
- ▶ OPDMDs not designed for individuals with disabilities, but they can be used by people with mobility-impairments;
- ▶ OPDMDs are also permitted in all areas open to pedestrians, unless the trail provider can establish that their use would change the provider's program or activities or create a safety hazard or threat.

Other Power-Driven Mobility Device Policy

- ▶ The use of OPDMDs on public property can be restricted, if the restriction is based on five (5) assessment factors:
 - ▶ The type, size, weight, dimension and speed of the device;
 - ▶ The facility's volume of pedestrian traffic;
 - ▶ The facility's design and operational characteristics;
 - ▶ Whether legitimate safety requirements (such as limiting the speed to the pace of pedestrian traffic) can be established to permit safe operation of the OPDMD;
 - ▶ Whether the use of the OPDMD creates a substantial risk of serious harm to the immediate environment or natural or cultural resources;

Other Power-Driven Mobility Device Policy

- ▶ The results of the assessment concluded that:
- ▶ The multi-use shared paths in the Lehigh Parkway are comprised mostly of crushed gravel trail mix stone;
 - ▶ Can accommodate the weight of pedestrians and non-power-driven pedal assisted devices, but devices with a total weight of over 550 pounds pose a threat to the structural stability of the surface.
- ▶ The multi-use shared paths typically average between 10 and 12 feet in width, with the vast majority of the paths 10 feet wide and comprised of crushed stone. They are heavily used by pedestrians and bicyclists.
 - ▶ This width allows for safe passage of pedestrians and bicycles moving in opposite directions, along paths that undulate and change with the terrain and closely follow the Little Lehigh Creek.

Other Power-Driven Mobility Device Policy

- ▶ At some locations, where the path is directly adjacent to the creek, there is no place to pull over in the event of oncoming traffic. At others, such as at the top of a rise in the path, it can be difficult to see oncoming traffic.
- ▶ The noise and fumes of gas-powered devices disturb native wildlife and negatively impact the experience of other park visitors.
- ▶ After analyzing the assessment factors, the Department recommended that people with a mobility disability be able to use any electric-powered mobility device on multi-use shared paths in the Lehigh Parkway that totals, including the weight of the user and the weight of the device, no more than 550 pounds, does not exceed a noise level of 60 dBA and is no wider than 36 inches.

Other Power-Driven Mobility Device Policy

- ▶ No gas powered devices can be used.
- ▶ Also recommended a maximum path speed of 12 MPH for all devices operated on the multi-use shared paths in the parkway, regardless of whether the device is power driven or non-power driven.

Article 951: Park Regulations: Proposed Revisions

- ▶ Issues that are impacting the City's park system and / or involve improvements that have been made in the parks necessitates updating park regulations:
 - ▶ Other Power-Driven Mobility Devices (OPDMDs)
 - ▶ Dogs
 - ▶ Swimming in creeks in City parks
 - ▶ Large group outings
 - ▶ Permits

Article 951: Park Regulations: Proposed Revisions

▶ 951.04 DEFINITIONS

- ▶ **ADD: *Pick-up game:*** *In sports- a game that have been spontaneously started by a group of random people or with friends.*
 - ▶ *Played without official notice;*
 - ▶ *No officials, team names or uniforms*
- ▶ **Vehicle:** Any conveyance, except baby carriages and motorized wheelchairs...all-terrain vehicles (ATV), *electric-powered mobility devices ...*
- ▶ **Roads:** *A wide way leading from one place to another, especially one with a prepared surface that vehicles can use.*

Article 951: Park Regulations: Proposed Revisions

- ▶ *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, for purposes of locomotion, including golf carts, Segways or any mobility device designed to operate in areas without defined pedestrian routes, but that is not a wheelchair.*

Article 951: Park Regulations: Proposed Revisions

► 951.05 STRUCTURES, PLANTS, TREES EARTH, RUBBISH

► ADD: *M. Operate any motorized model aircraft or boats except by permit.*

► DELETE: *K. Walk a dog without a leash, said leash to be no longer than six (6) feet*

M. Operate a snowmobile

N. Operate an all-terrain vehicle

P. Operate any motorized model aircraft or boats with the exception of model motorized boats at Canal Park.

Article 951: Park Regulations: Proposed Revisions

► 951.08 DOGS

- *It shall be unlawful for any person in a public park or recreation area to walk a dog without a leash in parks or areas within parks where dogs are permitted, unless designated for the conduct of such activity. Any leash utilized is to be no longer than six (6') feet.*

A. Dogs are allowed off-leash in the fenced area that comprises the Dixon Street Dog Park within Trout Creek Park, with a valid permit, subject to the rules and regulations approved by City Council.

Article 951: Park Regulations: Proposed Revisions

B. Rules for the use of Dixon Street Dog Park:

- 1. Off leash dog park hours: Sunrise until Sunset*
- 2. Use of the dog park is at your own risk. Dog owners/handlers are solely responsible for the actions and behavior of their dogs at all times and assume all liability for damages suffered by any person or dog injured by the members' dog(s) whether or not such member is utilizing the dog park.*
- 3. The dog park is for dogs, their owners/handlers and those accompanying them. No other use of the dog park is permitted. All users must be residents of the City of Allentown and members in the dog park program in order to receive a key fob to utilize the dog park. Key fobs are not transferrable and can only be used by registered individuals and their dog(s).*

Article 951: Park Regulations: Proposed Revisions

4. No more than two (2) dogs per owner/handler are permitted in the dog park at one time.

5. Dogs are to remain leashed outside of the dog park, as well as when entering and exiting the dog park. Owners/handlers must have a leash in hand at all times while in the off-leash area.

6. No alcohol, food, dog food, treats, glass containers or special toys are permitted in the dog park. Food, treats and special toys may cause territorial or aggressive behaviors, posing a safety risk to other dogs and handlers.

Article 951: Park Regulations: Proposed Revisions

7. Dog waste must be collected by the owner/handler, bagged and disposed of in the appropriately marked receptacles.

8. No children under 12 are permitted in the park. Children between the ages of 12 and 17 must be accompanied by and supervised at all times by an adult.

9. Owners/handlers must fill in any holes made by their dogs. Holes can cause injury to dogs and their handlers.

Article 951: Park Regulations: Proposed Revisions

10. Owners/handlers must fill in any holes made by their dogs. Holes can cause injury to dogs and their handlers.

11. All dogs 6 months and older entering the dog park must be up to date on rabies and distemper vaccines and must wear a collar displaying their rabies tag and dog license as required by Pennsylvania Dog law and City ordinance. Dogs with contagious health conditions or that have internal or external parasites (including, but not limited to, fleas, ticks and/or worms) are not permitted in the park.

Article 951: Park Regulations: Proposed Revisions

12. The dog park is divided into separate fenced in areas. Dogs weighing less than 30 lbs. must use the Small Dog area. Dogs weighing over 30 lbs. must use the Large Dog area. Serious injury can occur to small dogs being allowed to play in the Large Dog area.

13. If a dog becomes aggressive, it must be removed from the park immediately.

14. No dogs under 6 months, unneutered male dogs, female dogs in heat or dogs known to be aggressive or with a history of dangerous behavior are permitted in the park.

Article 951: Park Regulations: Proposed Revisions

15. The park may not be used for private use or gain, which includes, but is not limited to, instruction or training activities or events of any type without the written approval of the City of Allentown Department of Parks & Recreation.

16. Advance notice of dog park closures for purposes of maintenance will be posted on the Department of Parks & Recreation's website and Facebook page.

Article 951: Park Regulations: Proposed Revisions

► 951.09 VEHICLES

- ADD: *C. Drive or operate any vehicle that emits excessive or unusual noise, noxious fumes, dense smoke, or other pollutants.*
- REVISE: D. No person shall operate any vehicle on any of the *paved* roads...Any person driving a vehicle *in the park* shall drive...or any property within the parks.

Article 951: Park Regulations: Proposed Revisions

E. No gas 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. 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 a total of 550 pounds, does not exceed a noise level of 60 dBA and is no wider than 36 inches. All power-driven wheelchairs are permitted.

Article 951: Park Regulations: Proposed Revisions

Segways are permitted. 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 permitted vehicles on multi-use shared paths must observe the speed limit at all times and must yield to oncoming pedestrians.

Article 951: Park Regulations: Proposed Revisions

- ▶ **ADD:** *M. Operate a snowmobile*
 N. Operate any all-terrain Vehicle (ATV)
- ▶ 951.20 WEAPONS, TOOLS
 - ▶ **ADD:** *A. Any burglar tools or devices that can be used to assist a person in committing burglary.*

Article 951: Park Regulations: Proposed Revisions

► 951.13 FIRES, IGNITABLE AND COMBUSTIBLE MATERIALS

- 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 the time it is kindled until it is extinguished. No person shall throw away or discard any 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*.

Article 951: Park Regulations: Proposed Revisions

▶ 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.*

▶ 951.15 MISCELLANEOUS CONDUCT

- ▶ REVISE: *Bring amplifiers, speakers and other sound amplification devices without a permit.*

Article 951: Park Regulations: Proposed Revisions

► 951.18 CLOSING HOURS

- REVISE: No person shall be in any park during the hours the park is closed. The parks are closed from *sunset* to sunrise except where permitted activities are taking place *or otherwise designated by City Council*. Closing hours will be posted at all parks.

► 951.19 PASSIVE PARKS

- ADD:
 - A. Build any type of fire without a permit.*
 - M. Bring amplifiers, speakers and other sound amplification devices without a permit.*

Article 951: Park Regulations: Proposed Revisions

► 591.20 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 the Director's designee in accordance with the following procedure:

Article 951: Park Regulations: Proposed Revisions

D. Revocation

The Director of Parks and 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.*

► 951.22 AUTHORITY TO CLOSE

- The Director of Parks and Recreation, *his/her* Designee *or Police* may close the public parks or parkways within the city on days when weather conditions make the use of the area unsafe or result in injury to the same or when the public use would interfere with work being done in the park or in the interest of public safety.

Article 400.05 Summer Recreation Fees/Swimming Pool Rates: Proposed Revisions

► DAILY ADMISSION RATES

► Resident

- | | |
|--|------|
| ► Daily Resident- Irving Pool | 2.00 |
| ► Daily Resident Youth- Cedar, Mack and Jordan Pools (4-17) | 4.00 |
| ► Daily Resident Adult- Cedar, Mack and Jordan Pools (18-59) | 6.00 |
| ► Daily Rate for Children Under 3 | Free |

Article 400.05 Summer Recreation Fees/Swimming Pool Rates: Proposed Revisions

► *Non-Resident*

- *Daily Non-Resident- Irving Pool* 2.00
- *Daily Non-Resident Youth- Mack and Jordan Pool (4-17)* 8.00
- *Daily Non-Resident Adult- Mack and Jordan Pool (18-59)* 12.00
- *Daily Non-Resident Youth- Cedar Beach Pool (18-59)*
Mondays - Fridays only 8.00
- *Daily Non-Resident Adult- at Cedar Beach Pool (18-59)*
Mondays - Fridays- only 12.00

Article 400.05 Summer Recreation Fees/Swimming Pool Rates: Proposed Revisions

▶ SEASON PASS RATES

▶ Resident

▶ Resident Youth Season- (4-17)	50.00
▶ Resident Adult Season- (18-59)	50.00
▶ <i>Resident Veteran/Active Military Season</i>	<i>25.00</i>
▶ Resident Senior Pass	Free
▶ Resident Family	150.00
▶ Resident Family Season- Additional Child	25.00

Article 400.05 Summer Recreation Fees/Swimming Pool Rates: Proposed Revisions

► Non-Resident

(Mack & Jordan Pools: seven days a week; Cedar Pool: Mondays- Fridays only)

► Non-Resident Youth Season- (4-17)	80	100.00
► Non-Resident Adult Season- (18-59)	80	100.00
► Non-Resident Veteran/Active Military Season		50.00
► Non-Resident Senior Season- (60+)		50.00
► Non-Resident Family Season		300.00
► Non-Resident Family Season- Additional Child	40	50.00

Thank you! Questions?