



Ottawa County Parks & Recreation Commission

Policy Governing the Use of Other Power Driven Mobility Devices (OPDMD) Within Ottawa County Parks and Recreation Commission Properties

Ottawa County Parks and Recreation Commission is committed to enabling the use and enjoyment of properties owned or managed by Ottawa County Parks and Recreation Commission. The changes to ADA law offer those who require mobility devices greater access to park facilities, amenities, and trails. We have completed an assessment of the trails and other assets of Ottawa County Parks and Recreation Commission and have determined which OPDMD devices are authorized for use in specific areas. Information provided herein will describe which OPDMD devices can be used within Ottawa County Parks and Recreation Commission's facilities and properties.

Other Power Driven Mobility Devices (OPDMD)

The following are guidelines for the use of Other Power Driven Mobility Devices (OPDMDs) by individuals with mobility disabilities in Ottawa County Parks and Recreation Commission's managed properties. The guidelines are in compliance with the Revised Final Title II Regulation of the Americans with Disabilities Act of 1990 (42 U.S. C. 1213):

Definitions

- a. Wheelchairs – a manually operated or power-driven device designed primarily for use by an individual with a mobility disability for the main purpose of indoor or both indoor and outdoor locomotion. Wheelchairs and manually powered mobility aids used by individuals with mobility disabilities shall be permitted in any areas open to pedestrian use.
- b. Other Power Driven Mobility Devices (OPDMD) – An OPDMD is defined as: Any mobility device powered by batteries, fuel, or other engines – whether or not designed primarily for use by individuals with mobility disabilities – that is used by individuals with mobility disabilities for the purpose of locomotion, including golf carts/cars, electronic personal

assistance mobility devices (EPAMDs), such as Segway ® PT, or any mobility device designed to operate in areas without defined pedestrian routes, but that is not a wheelchair within the meaning of this section.

- c. Electric-powered mobility devices include: any mobility device powered by batteries, including multiple passenger carts (three or four wheels), electronic personal assistance mobility devices (EPAMDs – such as the Segway ® PT), battery-powered bikes (two or three wheels) and single-passenger scooters (three or four wheels).
- d. Gas-powered mobility devices include: any mobility device powered by a gas-fueled engine using natural gas, gasoline, diesel, synthetic or bio-fuel or combination thereof, including all-terrain vehicles, carts (three or four wheels), off-road bikes (two or three wheels), motor scooters (two or three wheels), motorcycles (two wheels), tractors, and vehicles (four wheels).
- e. Tandem wheel device: A two, three, or four-wheeled mobility device where the wheel alignment is parallel along one or more axles.
- f. Inline wheel device: A two-wheeled mobility device where the wheel direction of travel are aligned in the same plane.

Individuals with mobility disabilities may use OPDMDs on Ottawa County Parks and Recreation Commission's managed properties subject to the following safety requirements:

1. An OPDMD must remain on trails except to the extent necessary to comply with yielding requirements. An OPDMD must be capable of being turned around within the trail tread in a safe manner. The OPDMD may not cause unnecessary damage to the trail surface.
2. An OPDMD must be operated at a safe speed of 6 MPH or less.
3. Trails or pathways may be restricted due to features such as steps, boardwalks, or bridges based upon their design or capacity. Please consult the Parks Office for questions or further instructions.
4. An OPDMD must have the capacity to safely negotiate trail features and obstructions if said obstructions are located on the specific pathway used by the operator of an OPDMD.
5. An OPDMD must be no wider than 36 inches and no more than 600 pounds while occupied to ensure the safe passage of other traffic by foot, bicycle, or other OPDMD device on OPDMD-approved areas.

6. The OPDMD may be used only by the person with the mobility disability and a driver if the person's disability prohibits them from operating or driving the OPDMD. Additional non-disabled passengers are not permitted.
7. Gas-powered mobility devices are not permitted on trails or in open spaces owned or managed by Ottawa County Parks and Recreation Commission.

The exclusion of gas-powered mobility devices, as compared to electric-powered mobility devices, is due to the engine noise of gas-powered vehicles, which produces a significant zone of disturbance to the activities of native wildlife and can negatively impact visitor experience. In addition, gas-powered mobility devices create a risk of serious harm to the immediate environment from the danger created by the heat of the gas-fired engine. Ottawa County Parks and Recreation Commission envisioned our park system would provide relief from an increasingly urban environment. Noise does not preclude recreation activities but does diminish the enjoyment of the overall experience. Furthermore, the noise from gas-powered mobility devices poses a health risk to adjacent recreationalists when it exceeds 70 dB. The World Health Organization has set 70 dB as a maximum safe noise level in the workplace. Most gas-powered vehicles, such as ATVs and gas-driven motor bikes, exceed this noise level.

Due to varying conditions on Ottawa County Parks and Recreation Commission's properties, and to ensure safety and/or natural resource protection, Ottawa County Parks and Recreation Commission recommends that OPDMD users contact the Ottawa County Parks Office at 616-738-4810 to confirm whether an OPDMD is permitted on a particular trail.

By adopting these guidelines, Ottawa County Parks and Recreation Commission is not representing that the Ottawa County Parks and Recreation Commission's properties are safe for use by an OPDMD and do not assume any liability. Certain risks are inherent in the use of Ottawa County Parks and Recreation Commission properties, and all users must exercise reasonable care.

Inquiry into Disability:

An Ottawa County Parks and Recreation Commission employee or volunteer inquiring as to a mobility disability or use of an OPDMD on Ottawa County Parks and Recreation Commission property shall comply with the following:

1. The Ottawa County Parks and Recreation Commission employee or volunteer shall not ask a person using an OPDMD questions regarding the nature and extent of the person's disability.
2. The Ottawa County Parks and Recreation Commission employee or volunteer may ask a person using an OPDMD to provide a credible assurance that the OPDMD is required because of the person's disability. Ottawa County Parks and Recreation Commission employees or volunteers shall accept the presentation of a valid,

State-issued, disability parking placard or card, or other State-issued proof of disability as a credible assurance that the use of the OPDMD is for the person's mobility disability.

3. In lieu of a valid, State-issued disability parking placard or card, or State-issued proof of disability, the Ottawa County Parks and Recreation Commission employee or volunteer shall accept as credible assurance a verbal representation, not contradicted by observable fact, that the OPDMD is being used for a mobility disability. A "valid" disability placard or card is one that is presented by the person to whom it was issued and is otherwise in compliance with the State of issuance's requirements for disability placards or cards.

Operator Responsibilities:

Operating a mobility device on any Ottawa County Parks and Recreation Commission's lands, leased, managed, or maintained trails, paths, and roads carries a great responsibility during its operation. Not only must the operator know and follow all applicable traffic regulations, but they must also show concern for the environment as well as other users of the parks. The misuse of mobility devices can cause the temporary or permanent closure of Ottawa County Parks and Recreation Commission's lands, paths, trails, and/or roads. Mobility device use in an outdoor setting poses difficulties with terrain that may involve rain, mud, snow, ice, debris, vegetation, tree roots, and water crossing during poor weather conditions. These are inherent risks that may cause injury to the operator and/or damage to the property or other participants using the parks. The operator must operate cautiously while using a OPDMD in Ottawa County Parks and Recreation Commission properties. The operator voluntarily assumes full responsibility for these risks and dangers. Compliance with Ottawa County Parks and Recreation Commission rules and regulations, as well as the Michigan Revised Code is the operator's responsibility. A person may be asked to leave the site if the operator of an OPDMD is operating in an unsafe or disruptive manner. If an operator is using an OPDMD on a restricted location, the user of the OPDMD may be subject to prosecution.