



## JACKSON COUNTY Parks+ Rec

22807 Woods Chapel Road  
Blue Springs, Missouri 64015  
MakeYourDayHere.com

Michele Newman, Director  
(816) 503-4800  
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### DIRECTOR'S ORDER Other Power Driven Mobility Devices

#### INTRODUCTION

Jackson County Parks + Rec is committed to making all reasonable efforts to ensure our facilities, programs, and services are safe and accessible for all patrons, including those with disabilities. This Director's Order, authorized by Chapter 50, Section 5013.1, of the Jackson County Code of Ordinances, provides regulations for the use of Other Power Driven Mobility Devices (OPDMDs) in the Parks System. This policy is promulgated to comply with 28 C.F.R. §35.104 of the Americans with Disabilities Act to ensure nondiscrimination on the basis of disability in local public facilities, including parks, trails, and other facilities which are under the supervision, control, or ownership of Jackson County.

On September 5, 2010, the United States Department of Justice revised the Americans with Disabilities Act (hereinafter "ADA") by incorporating Section (35) *Nondiscrimination on the Basis of Disability in State and Local Government Services*. This revision, in part, requires local governments to adopt or revise reasonable policies to allow OPDMDs to be used by individuals with mobility disabilities in areas open to pedestrian use.

This Director's Order shall be published on the Department's website, [www.makeyourdayhere.com](http://www.makeyourdayhere.com), with copies available to the public at the Park Administration Building, 22807 Woods Chapel Road, Blue Springs. As technology advances, new devices which constitute OPDMDs are developed, public use patterns change, additional properties are acquired, and resources are evaluated or re-evaluated, Jackson County Parks + Rec may modify this policy. It is the individual patron's responsibility to ensure that he or she is in compliance with these regulations.

#### OPDMD REGULATIONS

##### 1. ADA Definition.

- a. *The ADA defines Other Power Driven Mobility Devices (OPDMDs) 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 an individual with a mobility disability for the purpose of locomotion, including golf carts, electronic personal assistance mobility devices (i.e. Segway PT) or any mobility device designed to operate in areas without defined pedestrian routes, but that is not a wheelchair.



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**2. Criteria for Determination of Acceptable Use.** Jackson County Parks + Rec shall apply those assessment factors and criteria as set forth in §35.137 Mobility Devices of the ADA, in determining whether a particular OPDMD can be safely allowed in a specific facility as a reasonable accommodation, including:

- a. The type, size, weight, dimensions, and speed of the device;
- b. The facility's volume of pedestrian and/or bicycle traffic;
- c. The facility's design and operational characteristics;
- d. Whether legitimate safety requirements can be established to permit the safe operation of the OPDMD at the facility;
- e. Whether the use of the OPDMD creates a substantial risk of serious harm to the immediate environment or other natural or cultural resources, or poses a conflict with Federal Land Management laws and regulations.

### 3. Permitted Uses

a. **Purpose.** The purpose of the following regulations are to protect the safety of operators of OPDMDs and other users of facilities in the Parks System, protect the facilities, equipment, and natural environment in the Parks System, and to preserve the continued availability and enjoyment of our facilities for all users.

b. **General Regulations.**

- i. Use of OPDMD's. Except as otherwise expressly permitted, OPDMD's under this policy shall be permitted only for use by people with mobility impairments and shall comply with the maximum specifications as set forth herein in order to be considered acceptable for use in the Parks System.
- ii. No device may be operated in a reckless or dangerous manner, or in any way that jeopardizes the safety of the operator, or any other park patron.
- iii. Users of OPDMDs are subject to all of the same rules, regulations, and policies applicable to park facilities as set forth by Jackson County Parks + Rec, beyond what is set forth herein.
- iv. Maximum Specifications for all OPDMDs used within the Parks System:
  1. Width: the width of the OPDMD utilized shall not exceed thirty-six inches (36") for any outdoor facility; the use of OPDMDs may be further regulated at indoor facilities depending on the facility's ability to accommodate the device.
  2. Speed: the operating speed of the OPDMD utilized shall not exceed twenty-eight miles per hour (28mph.)
  3. Type: the type of OPDMD utilized shall not include any gas, diesel or propane powered vehicle or any vehicle capable of creating any type of fume or exhaust, and shall not have a capacity exceeding 750 watts or 1 horsepower.



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- v. OPDMD's may only be operated in accordance with the foregoing policies and regulations by an individual with a mobility disability; provided, however, that a caregiver or minor child of a person with a mobility disability may accompany a mobility disabled person in or on an OPDMD, only to the extent it is designed to accommodate more than one person. A caregiver or minor child may not operate the OPDMD on behalf of the person with a mobility disability.
  - vi. If utilized on designated Jackson County trails, All OPDMDs must stay on designated trail routes at all times.
  - vii. These regulations do not apply to vehicles utilized by Jackson County, or organizations affiliated with or under contract to the County, in the performance of duties related to the operations, maintenance, programming, or security of facilities within the Parks System.
4. **Verification of Eligibility.** Jackson County and any authorized agents or representatives thereof shall, pursuant to 28 C.F.R. §35.104, have the right to inquire of a person using an OPDMD credible assurance that the mobility device is required because of the person's disability, but shall not inquire as to the nature and extent of the person's disability. "Credible Assurance" may include:
- a. A valid, State issued disability parking placard or card;
  - b. Other State issued proof of disability;
  - c. A verbal representation, not contradicted by observable fact.
5. **Disclaimer.** Jackson County, in establishing these policies and regulations, is in no way representing that every park facility is designed, maintained, managed or safe for use by any particular person, manually powered mobility aid, or OPDMD. Certain risks are inherent in the use of any facility, and Jackson County assumes no liability for the user's decisions or actions. Further, Jackson County accepts no liability for any injury to a person or for damage to a manually powered mobility aid or OPDMD, whether caused by the operator, another person, or any other circumstance.
6. **Request for Determination Process.** These regulations cover a broad range of facilities. It is impossible to foresee every scenario for trail or other facility access with regard to the use of OPDMDs by individuals with mobility disabilities. Jackson County staff will consider and respond to all written requests for a determination as to whether a proposed use of an OPDMD is permissible under this Order, or if such proposed use is prohibited or falls beyond the scope of these regulations. Written requests for determination or complaints regarding the application of these policies and regulations should be directed to the Parks + Rec Superintendent of Park Safety.

DIRECTOR *Michele Newman* DATE 7-13-22



*Frank White, Jr., County Executive*