Owen County Policy for Use of Mobility Devices

Owen County has considered the following:

1. The type, size, weight, dimensions, and speed of mobility devices;
2. The volume of pedestrian traffic in the facilities of the County;
3. The design and operational characteristics of the County's facilities;
4. Whether legitimate safety requirements can be established to permit the safe operation of Other Power-Driven Mobility Devices ("OPDMD"), as defined herein; and
5. Whether the use of OPDMD, as defined herein, creates a substantial risk of serious harm to the immediate environment or natural or cultural resources.

The County herby finds that the safety guidelines contained herein are reasonable based on the above considerations.

In accordance with the Americans with Disabilities Amendments Act and subsequent regulation, it is the policy of Owen County, that mobility devices used by individuals with disabilities are permitted in all facilities and programs, in accordance with this policy.

Definitions:

"Wheelchair" is defined as "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 indoor and outdoor locomotion." This definition includes mobility scooters.

A "mobility disability" is a disability under the ADA and includes a wide range of such disabilities, including circulatory and respiratory disabilities that make walking difficult or impossible.

An "Other Power-Driven Mobility Device (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 are used by individuals with mobility disabilities for the purpose of locomotion. Included in the OPDMD category are: golf carts, electronic personal assistance mobility devices (e.g. Segway® PT) and any mobility device designed to operate in areas without defined pedestrian routes, but that is not a wheelchair.

Mobility assistance devices:

Use of wheelchairs and manually-powered mobility aids. The County shall permit individuals with mobility disabilities to use wheelchairs and manually-powered mobility aids, such as walkers, crutches, canes, braces, or other similar devices designed for use by individuals with mobility disabilities in any areas open to pedestrian use.

Use of Other Power- Driven Mobility Devices (OPDMD). Only individuals with mobility disabilities may use Other Power-Driven Mobility Devices in areas of the County's facilities or properties. Individuals with a mobility disability have the right to determine which OPDMD best suits their needs and can use the OPDMD of their choosing in accordance with the safety guidelines below. No combustion engine-powered Other Power-Driven Mobility Devices are allowed to be operated indoors because they may present a substantial risk of serious harm to operators, visitors and the immediate environment due to various concerns, including the risk of fire, the risk of fuel spill, engine noise, air quality, and the typical dimensions, weight and horsepower of such a device.

Inquiry into Use. A person using a wheelchair or OPDMD may not be asked about the nature and extent of the person's disability. A person using an OPDMD MAY be asked to provide "credible assurance" that the mobility device is required because of the person's mobility disability. ("Credible assurance" can be the person's State issued placard ID, or other proof of the disability or can be a verbal statement not contradicted by observable fact.)

Safety <u>Regulations for OPDMD</u>

1. An OPDMD Is allowed in any area of a facility, park, or the town in which the general public is allowed, with the exception of stairways and hazardous areas; because of legitimate safety concerns based on actual risks;
2. An OPDMD must be controlled by the person riding the device;
3. An OPDMD must be operated in compliance with the following guidelines:
   a. May not exceed 4 mph in an indoor facility or 6 mph at an outdoor park, facility or trail;
   b. Shall be driven on the right side of the circulation route;
   c. The total combined height of the OPDMD and the operator may not exceed the height of the lowest immovable building element or park feature located in the area such device is to be operated;
   d. Is prohibited from carrying another person on the frame, or any object on the frame that may make the OPDMD less stable;
   e. May not be driven into wet or ecologically sensitive areas;
   f. If powered by an internal combustion engine for use outdoors only, be equipped with an approved spark arrestor muffler, and comply with all rules and standards created by federal and state agencies that regulate the emissions of hazardous air pollutants in effect at the time of device's manufacture.
   g. May not be operated in a dangerous or reckless manner that jeopardizes the safety of the operator, County employees, or patrons.
   h. Must have street tires; no knobby tires.
   i. Emergency vehicles and County vehicles are exempt from these rules.

Accommodation. If a certain class of OPDMD cannot be accommodated because of legitimate safety concerns, the County will offer the service to the individual with a disability in an alternate manner, if possible.

<u>Personal devices and services</u>:

This Policy does not require the County to provide to individuals with disabilities personal devices, such as wheelchairs or Other Power-Driven Mobility Devices.

<u>Miscellaneous</u>:

1. The County accepts no responsibility for storage of any mobility device.
2. The County accepts no liability for damage to any mobility device, or injury to the operator, whether caused by the operator, another visitor to a County facility or site, the physical conditions of the County facility or site, or any other circumstance.
3. The County accepts no liability for damage caused by the operator of the device, or injury to others caused by the operator of the device.
4. The County accepts no liability for any injuries or property damage, to either the operator or others, resulting from the County's failure to enforce this policy or to supervise the operator of an Other Power-Driven Mobility Device.
5. The County reserves the right to change, modify, or amend this policy at any time.
6. <u>For questions, contact;</u> Owen County ADA Coordinator:

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