

Anoka County Parks and Recreation Department

Interim Rules and Regulations

Implementing [U. S. Department of Justice \(DOJ\)](#) Amendment to the American with Disabilities Act (ADA) Regulations Regarding the Use of Wheelchairs and Other Power Driven Mobility Devices 28 CFR part 35

Effective Immediately

Purpose: The purpose of these Interim Regulations is to implement the DOJ regulations regarding the use of wheelchairs and other power driven mobility devices in Anoka County Park Facilities (Anoka County) as set forth in the Ordinances Regulating Parks in the Anoka County Park System.

Wheelchair Definition and Use:

Anoka County allows individuals with mobility disabilities to use wheelchairs as defined by the DOJ and manual-powered mobility aids such as walkers, crutches, canes, braces, or other similar devices in all County administered areas open to pedestrian use.

The DOJ defines a wheelchair as: Wheelchair means a manual-operated or power-driven device designed primarily for use by an individual with a mobility disability for the main purpose of indoor or of both indoor and outdoor locomotion.

Other Powered Mobility Device Definition and Use:

Anoka County is currently assessing potential classes of Other Power Driven Mobility Devices (OPDMD) for use in County Park facilities. These can include devices that are designed to operate in areas without defined pedestrian routes and can include devices such as Segway®PT, golf cars, all-terrain vehicles and other devices. In accordance with the DOJ regulations, the County will assess the following factors:

- (i) size, weight, dimensions, and speed of the device;
- (ii) the facility's volume of pedestrian traffic;
- (iii) the facility's design and operational characteristics;
- (iv) whether legitimate safety requirements can be established to permit the safe operation of the OPDMD at the facility; and
- (v) the potential for serious harm to environmental, natural and cultural resources.

Based on preliminary assessments and until a final policy is issued, effective March 15, 2011 OPDMD devices may be used in County facilities as set forth below:

- **Paved and Aggregate Trails on County Park Lands:** Electric personal assistive mobility devices (e.g., Segways®), electric-assisted bicycles and any electric-powered: scooters or tracked mobility chairs or tricycles that are designed to transport a single individual with a disability as a substitute for walking may be used by a person with a mobility disability on all paved and aggregate surfaced trails, including access routes to County Park buildings and facilities. These devices may be used in open picnic shelters when safe and prudent to do so and associated with a picnic use of those facilities. They shall be operated in a prudent and safe manner, in no case exceeding 10 miles per hour.

OPDMD Use Documentation: To be eligible to use an OPDMD in County Park facilities where the device would not normally be allowed under state law, individuals must show a valid State-issued disability parking placard or card, or State-issued proof of disability or make a verbal representation of mobility disability not contradicted by facts observed.

Special Circumstances Permission: Except as set forth above, the use of OPDMDs on County Park facilities is prohibited. In special circumstances, the County may issue a permit to use an OPDMD in areas prohibited if it determines that a unique situation applies and special conditions can be placed on the use that would make it safe to operate the OPDMD or prevent serious harm to the environment or natural or cultural resources. In these situations, special circumstances permission should be requested 7 days in advance of arrival date if possible to ensure adequate time to process. A special use permit may be requested by contacting the Anoka County Parks and Recreation Department at 763-757-3920.

Complaint and Appeal Process:

Submit an appeal in writing to the Park Operations Manager, Jeff Perry, at 550 Bunker Lake Boulevard, Andover, MN 55304 or at jeff.perry@co.anoka.mn.us.

Pursuant to the provisions of the Ordinances Regulating Parks in the Anoka County Park System, Ordinance #2007-1, Chapter 8, Section 3, I hereby issue these interim Rules and Regulation effective immediately.

John VonDeLinde, Director
Anoka County Parks and Recreation Department