

Use of Wheelchairs, Mobility Aids, and Other Power Driven Mobility Devices (OPDMD) On Ocean City Beaches, Boardwalk, and Parks

(Adopted by Mayor and Council November 1, 2022)

Introduction:

This policy is in response to the Department of Justice (DOJ), Civil Rights Division, 28 Code of Federal Regulations Part 35, Nondiscrimination on the Basis of Disability in State and Local Government Services Final Rule, which requires state and local public entities to “make reasonable modifications in its policies, practices, or procedures to permit the use of other power driven mobility devices by individuals with mobility disabilities, unless the public entity can demonstrate that the use of the device is not reasonable or that its use will result in a fundamental alteration in the public entity’s services, programs, or activities.”

Ocean City Ordinance 90-5 prohibits the operation of any vehicle on the beach or boardwalk without a permit and the issuance of such permits are restricted to certain uses such as construction activity or special events.

The DOJ’s final rule established a two-tiered definitional approach to mobility devices by separating wheelchairs from Other Power Driven Mobility Devices (OPDMD). This two-tiered approach provides a balance between ensuring access to a wide range of mobility alternatives for individuals with mobility disabilities and addressing the fundamental concerns of the City with providing a safe environment. This Policy allows for current and future new devices by focusing on the physical and performance characteristics of the OPDMD instead any specific device.

The adoption of this Policy does not represent an endorsement that the City’s beach, boardwalk, or park paths are safe for the use of an OPDMD. Users must exercise reasonable caution and care in deciding to operate any particular OPDMD in these locations.

Assessment Factors

There are a number of factors to consider in determining the physical and performance characteristics of an OPDMD that individuals with mobility disabilities may use on the beach, boardwalk, or parks in Ocean City. These factors include the safety of the user, safety of the general public, protection of natural resources, and ensuring the quality of the outdoor experience. In making that determination, the City considered the following factors:

1. The type, size, and speed of the OPDMD.
2. The volume of pedestrian traffic.
3. The density of public use.
4. Whether legitimate safety requirements can be established to permit the safe operation of an OPDMD.

Policy on the Use of Wheelchairs, Mobility Aids, and Other Power Driven Mobility Devices (OPDMD)

Beach

- The Ocean City Beach is a heavily congested, high density, high pedestrian traffic area.
- Wheel chairs, power wheel chairs, and electric mobility scooters are permitted on the beach at all times and locations.
- Ocean City recognizes that standard type wheelchairs and mobility scooters will typically not operate in beach sand. Therefore;
- Other Power Driven Mobility Devices (OPDMD) are permitted on the beach under the following conditions:
 - OPDMD devices shall only be either operated by a person with disabilities or shall have a person with disabilities as the sole passenger and are prohibited from carrying anyone other than the operator and the disabled passenger. The disabled passenger must be in the OPDMD whenever the OPDMD is being operated. The operator or passenger must present, on demand, a valid state issued parking placard or other State issued proof of disability or provide verbal representation of the disability not contradicted by observable fact.
 - OPDMP devices shall only be operated on the beach during day light hours
 - Given the terrain of the beach and the high pedestrian traffic on the beach, for the safety of the operator and others, OPDMPs shall not exceed 5mph when operated on the beach.
 - OPDMP devices must access the beach via an existing dune crossover and may not travel more than 300' (one city block) in a north/south direction from the entry crossover.
 - Use of certain OPDMPs pose a significant safety risk and are therefore restricted as follows:
 - OPDMP Maximum width 38"
 - OPDMP Maximum length 72"
 - OPDMP Maximum design speed: 15 mph
 - OPDMP Maximum operating speed: 5mph
 - ATV's and other similar high-speed vehicles (side by sides, all terrain golf carts etc) are prohibited due to the high volume of pedestrian traffic and the density of people on the beach.

Boardwalk

- The Ocean City Boardwalk is a heavily congested, high pedestrian traffic area at all times. Bicycles are prohibited on the boardwalk during certain dates and times for safety reasons. When bicycles are allowed on the boardwalk surrey cycles are also allowed, when bicycles are prohibited, surrey style bicycles are also prohibited, therefore larger OPDMPs are appropriate when bicycles are allowed on the boardwalk but prohibited when bicycles are prohibited.
- Wheel chairs, power wheel chairs, and electric mobility scooters are permitted on the boardwalk at all times and locations.
- Other Power Driven Mobility Devices (OPDMP) are permitted on the boardwalk under the following conditions:
 - OPDMP devices shall only be operated by a person with disabilities and are prohibited from carrying passengers. The operator must present, on demand, a valid state issued parking placard or other State issued proof of disability or provide verbal representation of the disability not contradicted by observable fact.
 - OPDMP Maximum width: 48" when bicycles allowed/38" when bicycles are prohibited
 - OPDMP Maximum length: 108" when bicycles allowed/72" when bicycles are prohibited.
 - OPDMP Maximum design speed: 15 mph
 - OPDMP Maximum operating speed: 5mph
- ATV's and other similar high-speed vehicles (side by sides, golf carts etc) are prohibited due to the high pedestrian traffic volumes that occur at all times on the boardwalk.

Parks

- Northside Park and the Downtown Recreation Complex have a series of 10' wide paved trails that are popular with both pedestrians and bicyclists.
- Wheel chairs, power wheel chairs, and electric scooters are permitted on the park trails at all times and locations.
- Other Power Driven Mobility Devices (OPDMP) are permitted on the park trails under the following conditions:
 - OPDMP devices shall only be operated by a person with disabilities and are prohibited from carrying passengers. The operator must present, on demand, a valid state issued parking placard or other State issued proof of disability or provide verbal representation of the disability not contradicted by observable fact.
 - OPDMP devices shall only be operated on the park trails during day light hours
 - OPDMP Maximum width: 48"
 - OPDMP Maximum length: 72"
 - OPDMP Maximum design speed: 15 mph
 - OPDMP Maximum operating speed: 10 mph
- ATV's and other similar high-speed vehicles (side by sides, golf carts etc) are prohibited due to the high volume of pedestrian and bicycle traffic on the paths.