

AN ORDINANCE TO AMEND CHAPTER 38 OF THE CITY CODE REGARDING INCLUSIVE PARKS AND PLAYGROUNDS.

#4539

Sponsors:

**Council
President
Shabazz**

**Council
Member
Chukwuocha**

Co-Sponsors:

**Council
Members
McCoy
Harlee**

WHEREAS, it is in the best interest of the City of Wilmington to provide inclusive, accessible, intergenerational and family-friendly outdoor fitness and play spaces for people of all ages and abilities; and

WHEREAS, parks and playgrounds offer opportunities for children to develop physical, cognitive, sensory and social skills, and inclusive design allows for a well-balanced play experience that enhances the development of such skills; and

WHEREAS, the federal Americans With Disabilities Act prohibits discrimination in playgrounds against those in wheelchairs, but does not address other types of disabilities and special needs; and

WHEREAS, the City recognizes a need for parks and playgrounds that are inclusive of and accessible to individuals of differing abilities, including persons with physical, cognitive, communicative, social, and/or emotional special needs; and

WHEREAS, the City Council and Administration deem it necessary to ensure that the City Code includes provisions specifying that all new or renovated City parks and playgrounds are designed to allow for and encourage the active participation of all individuals.

THE COUNCIL OF THE CITY OF WILMINGTON HEREBY ORDAINS:

SECTION 1. Chapter 38 of the City Code is hereby amended by adding a new Section 38-1 including the underlined language as follows:

Section 38-1. Inclusive parks and playgrounds.

- (a) The City shall ensure that all parks and playgrounds owned by the City of Wilmington that are either new or undergoing renovations are designed to be inclusive of and accessible to all persons of differing

abilities when practicable, and should allow for the active participation and engagement of all persons, including those with physical, cognitive, communicative, social, and/or emotional special needs.

(b) The Director of Parks and Recreation should seek the input of persons with physical, cognitive, communicative, social, and/or emotional special needs when designing plans to build new parks and playgrounds or renovate existing parks and playgrounds owned by the City.

(c) No private cause of action. This Section does not create a private cause of action against the city, or any city employee, elected city official, or any other city entity. This Section shall not be construed as creating any private cause of action.

SECTION 2. This Ordinance shall become effective immediately upon its date of passage by the City Council and approval by the Mayor:

First Reading.....June 7, 2018

Second Reading.....June 7, 2018

Third Reading:.....

Passed by City Council,

President of City Council

ATTEST: _____
City Clerk

Approved this _____ day of _____, 2018

Mayor

SYNOPSIS: This Ordinance amends Chapter 38 of the City Code to add a new section specifying that all City parks and playgrounds that are either new or are undergoing renovations shall be designed to be inclusive of and accessible to all persons of differing abilities and allow for the active participation and engagement of all persons, including those

with physical, cognitive, communicative, social, and/or emotional special needs. The intent of this Ordinance is to ensure an inclusive, accessible and positive environment in which our residents can experience the substantial benefits offered by public parks and playgrounds.

FISCAL IMPACT STATEMENT: While there could be a higher cost associated with some inclusive playground and park equipment, these costs could be mitigated in other ways by strategically designing park construction and renovation projects, and could be offset by securing grant funding or forming public-private partnerships.

POLICY STATEMENT: This proposed Ordinance is designed to ensure an inclusive, accessible and positive environment in which our residents can experience the substantial benefits of parks and playgrounds. This legislation therefore codifies the city's expectations regarding the design of City parks and playgrounds. This Ordinance has been driven by research conducted on the topic and is largely modeled after the City of Philadelphia's Bill No. 160304, which requires all parks and playgrounds owned by the City to be more inclusive of individuals with special needs. This ordinance is intended to enhance the quality of life for residents and visitors of the City of Wilmington.