



**JUSTIN PARKS & RECREATION ADVISORY BOARD &
KEEP JUSTIN BEAUTIFUL COMMITTEE**

APRIL 4, 2023 at 6:00 PM

415 NORTH COLLEGE ST
JUSTIN, TEXAS 76247

COMMITTEE MEMBERS:

Robin Amerine – Chair
Jacqueline Steinbacher – Vice Chair
Juli Cuthbertson
Marcus Gallegos
Megan Doughty

STAFF / COUNCIL LIAISON:

Kira Sedivy – Public Works
John Mounce – City Council

CALL TO ORDER

Invocation and Pledge of Allegiance

CONSENT ITEMS: None

PUBLIC COMMENT: To expedite the flow of business and to provide all the citizens the opportunity to speak, the Parks and Recreation Committee Chair may impose a three-minute limitation on any person addressing the board.

STAFF UPDATE

A. Veterans Memorial update

Page 1

B. City of Justin Tree Ordinance

Pages 2-7

DISCUSSION / ACTION ITEMS

1. Discuss recommendations of park improvements to provide to Public Works

Pages 8-22

FUTURE AGENDA ITEMS

ADJOURN

NEXT MEETING: TUESDAY MAY 2, 2023

I, the undersigned authority, do hereby certify that the above notice of the meeting of the Justin Parks and Recreation Committee is a true and correct copy of the said notice that I posted on the official bulletin board at Justin City Hall, 415 North College Ave, Justin, Texas, a place of convenience and readily accessible to the general public at all times, and said notice posted this **31st day of March, 2023 by 5:00 p.m.**, at least 72 hours preceding the scheduled meeting time.

Kira Sedivy

Public Works Administrative Coordinator

New Flags and Flag Poles at Bishop Park



Chapter 50 VEGETATION

ARTICLE I. IN GENERAL

~~Secs. 50-1—50-18. Reserved.~~

~~ARTICLE II. CITY TREES~~

Sec. 50-1. Purpose and intent.

The purpose of this article is:

- (1) To establish regulations addressing the protection of healthy and significant trees and to provide for the replacement and replanting of trees that are necessarily removed during construction, development or redevelopment.
- (2) To limit the removal of protected trees six inches in diameter without a permit from the city, to promote the orderly development of the city and to protect the public health, safety and general welfare of the citizens of the city. It is not the intent of these regulations to deny development rights protected by law.
- (3) To address the removal of mature and protected trees and replacement and replanting of trees that are necessarily removed during construction, development or redevelopment in an expeditious manner and with due regard for the legal rights or property owners in city.

(Code 1994, § 3.701; Ord. No. 470, § 1, 6-8-2009)

Sec. 50-2. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

City engineer means the person designated to provide administrative review of tree site plans and issue tree removal permits.

Diameter of a tree means the measurement of the size/diameter of a tree as determined by measuring at 4.5 feet above ground. For a multi-trunk tree, the diameter shall be the total diameter of the largest trunk plus one-half the diameter of each additional trunk.

Developer or applicant means any individual, corporation, partnership, association or other entity seeking a tree removal permit under this article.

Protected tree means a tree that the city has determined has significant positive characteristics worthy of preservation as listed in section 50-21 that has a diameter of six inches or greater.

Top or Topping means the non-standard practice of cutting back of limbs to stubs within a tree's crown to such a degree so as to remove the normal canopy and disfigure the tree.

Tree inventory site plan means a plan showing the location of all protected trees by size and species that are six inches or greater on the site, location of all easements, location of all existing and proposed buildings, a grading

plan, if applicable; the protected trees desired to be removed, if any, the protected trees that shall remain on the site, and an accompanying document indicating valid reason for the proposed removal of any protected trees, and if applicable, a description on how existing healthy protected trees proposed to be retained will be protected from damage from construction.

Tree removal means the cutting, destroying, removing, moving, poisoning, banding, marking or effectively destroying through damaging, any protected tree situated on property in the city without first obtaining a tree removal permit from the city engineer.

Tree removal permit means a permit required to be issued by the city engineer prior to the removal of any protected tree greater than six inches in diameter.

(Code 1994, § 3.702; Ord. No. 470, § 1, 6-8-2009)

Sec. 50-3. Permit review and approval.

- (a) Except as otherwise provided herein, on and after the effective date of the ordinance from which this article is derived, no person shall remove any protected tree equal to or greater than six inches in diameter without a tree removal permit from the city.
- (b) Land in which a valid building permit has been issued or executed prior to the effective date of the ordinance from which this article is derived is not subject to these regulations.
- (c) Permits for removal or replacement of trees covered in this article shall be obtained by making application on a form provided by the city. The application shall be accompanied by a tree inventory site plan as defined herein.
- (d) The city engineer shall determine whether the permit is subject to these regulations. Acceptance of a tree removal permit for the limited purpose of such review shall not constitute acceptance of the permit. In the event the city engineer determines that an application is subject to the regulations of this article, the city engineer shall be responsible for the review and approval or disapproval of all requests for tree removal permits. The city engineer shall review the permit application, perform an on-site analysis of the site and trees, and make a determination if any trees can be removed using the following criteria:
 - (1) The protected tree is located in a public utility easement, public access easement or public street right-of-way as recorded on a plat and accepted by city council, and removal would be in compliance with current city codes.
 - (2) The protected tree is in an unsafe condition, or is injurious to the common good, or to sewer pipes, pavements or improvements, or is infested and dangerous to other trees.
- (e) The city engineer may approve a tree replacement plan that provides a one-diameter inch per one-diameter inch tree replacement when mature or protected trees are removed outside the building requirements listed in subsections (d)(1) and (2) of this section. The tree replacement plan will set a minimum of three-inch diameter tree as a replacement tree, and such replacement trees shall be from the list of approved replacement trees as listed below. All preserved trees will count toward the project's landscape requirement without regard to location or limitation to substitution of trees for shrubs.
- (f) In order to encourage the preservation of existing trees six caliper inches in size or over, if the area within the drip line of trees is protected by fencing during grading and construction and the tree caliper inches preserved shall receive double credit toward the required landscape area.

(Code 1994, § 3.703; Ord. No. 470, § 1, 6-8-2009)

Sec. 50-4. Protected trees and replacement trees.

The following are protected trees under this article and also constitutes the list of approved replacement trees:

Redbud	Texas red oak
Mexican plum	Post oak
Cherry laurel	Blackjack oak
Eve's necklace	Water oak
Crab apple	Pecan
Bradford pear	Lacebark elm
Golden raintree	Cedar elm
Caddo maple	American elm
Red maple	Bald cypress
Bigtooth maple	Black walnut
Bur oak	Green ash
Chinquapin oak	Texas ash
Live oak	Southern magnolia
Shumard red oak	

(Code 1994, § 3.704; Ord. No. 470, § 1, 6-8-2009)

Sec. 50-5. Appeals.

- (a) If the city engineer refuses to approve or issue a tree removal permit, or the applicant disagrees with the decision of the city engineer, the applicant may appeal the decision to the city council. The appeal shall be in writing and shall be transmitted to the city secretary within ten days after receipt of notification that the city engineer will not accept the tree removal permit.
- (b) The appeal shall be considered by the city council within 30 days after the appeal is received by the city secretary, unless the applicant requests a later hearing. The city council shall not release the applicant from the requirements of this article, unless the applicant first presents credible evidence from which the city council can reasonably conclude application of this article to the applicant would be likely to deprive the applicant of rights protected by law.
- (c) The city council may take the following actions on an appeal:
 - (1) Deny the appeal, in which case the tree removal permit shall not be accepted or granted;
 - (2) Grant the appeal, and direct the city engineer to accept and approve the tree application permit; or
 - (3) Grant the appeal subject to such provisions, conditions, or limitations as deemed appropriate by the city council.

(Code 1994, § 3.705; Ord. No. 470, § 1, 6-8-2009)

Sec. 50-6. Applicability and exceptions.

This article does not apply to a protected tree:

- (1) Located on a developed single-family residential lot contained within a plat of record on which an owner occupied residential structure is located.

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- (2) Which creates unsafe vision clearance or is determined to be in a hazardous or dangerous condition, such as due to storm damage, so as to endanger the public health, safety or welfare.
 - (3) Within existing city streets, rights-of-way or easements, including, but not limited to, roadways, drainage, water, sanitary sewer, electric, pedestrian and park facilities, but does apply to protected trees within a proposed subdivision that has been or will be dedicated for streets, rights-of-way, or other public easements.
 - (4) Which is not living, or is so diseased or damaged as to be in danger of falling.

(Code 1994, § 3.706; Ord. No. 470, § 1, 6-8-2009)

Sec. 50-7. Required clearance for public rights-of-way.

The owner of all trees adjacent to public rights-of-way shall be required to maintain the following minimum overhead and lateral clearances for all public rights-of-way:

- (1) Overhead vertical clearance of public sidewalks and other public pathways of eight feet.
- (2) Lateral clearance of public sidewalks and other public sidewalks and other public pathways of three feet.
- (3) Overhead clearance of public roadways of 13 feet, six inches.

(Ord. No. 657-18 , § 3, 10-29-2018; Ord. No. 664-19 , § 4, 4-8-2019)

Secs. 50-8—50-18. Reserved.

ARTICLE II. PUBLIC TREE CARE

Sec. 50-19 Purpose.

To enhance the quality of life and the present and future health, safety, and welfare of all citizens, to enhance property values, and to ensure proper planting and care of trees on public property, the City Council herein delegates the authority and responsibility for managing public trees, establishes practices governing the planting and care of trees on public property, and makes provision for the emergency removal of trees on private property under certain conditions.

Sec. 50-20. Definitions.

As used in this Article, the following words and phrases shall have the meanings indicated:

Damage – any injury to or destruction of a tree, including but not limited to: uprooting; severance of all or part the root system or main trunk; storage of material on or compaction of surrounding soil; a substantial change in the natural grade above a root system or around a trunk; surrounding the tree with impervious paving materials; or any trauma caused by accident or collision.

Nuisance – any tree, or limb thereof, that has an infectious disease or insect; is dead or dying; obstructs the view of traffic signs or the free passage of pedestrians or vehicles; or threatens public health, safety and welfare.

Parkway – the area along a public street between the curb and the sidewalk; or if there is no curb or sidewalk, the unpaved portion of the area between the street right-of-way line and the paved portion of the street or alley.

Public property – all grounds and rights-of-way (ROWs) owned or maintained by the City.

Public tree – any tree or woody vegetation on city-owned or city-maintained property or rights-of-way.

Top or Topping – the non-standard practice of cutting back of limbs to stubs within a tree’s crown to such a degree so as to remove the normal canopy and disfigure the tree.

Sec. 50-21. Authority and power.

(a) *Delegation of authority and responsibility.* The Public Works Director and/or his designee, hereinafter referred to as the “Director,” shall have the authority and responsibility to plant, prune, maintain and remove trees and woody plants growing in or upon all city streets, rights-of-ways, city parks, and other public property. This shall include the removal of trees that may threaten electrical, telephone, gas, or any municipal water or sewer line, or any tree that is affected by fungus, insect, or other pest disease.

(b) *Coordination among city departments.* All city departments will coordinate as necessary with the Director and will provide services as required to ensure compliance with this Ordinance as it relates to streets, alleys, rights-of-way, drainage, easements and other public properties not under direct jurisdiction of the Director.

(c) *Interference.* No person shall hinder, prevent, delay, or interfere with the Director or his agents while engaged in carrying out the execution or enforcement of this Ordinance.

Sec. 50-22. Tree planting and care standards.

(a) *Standards.* All planting and maintenance of public trees shall conform to the American National Standards Institute (ANSI) A-300 "Standards for Tree Care Operations" and shall follow all tree care Best Management Practices (BMPs) published by the International Society of Arboriculture.

(b) *Requirements of franchise utility companies.* Franchise utility companies shall provide advance notice to the City of their intended non-emergency tree pruning schedule and location of impacted area. The maintenance of public trees for utility clearance shall conform to all applicable utility industry standards.

(c) *Tree species list.* The Director shall develop and maintain an official list of desirable tree species for planting on public property in two size classes: Ornamental (20 feet or less in height at maturity) and Shade (greater than 20 feet at maturity). Only trees from this approved list may be planted without written approval from the Director.

(d) *Planting distances.* The Director shall develop and maintain an official set of spacing requirements for the planting of trees on public property. No tree may be planted within the visibility triangle of a street intersection or within ten (10) feet of a fire hydrant.

(e) *Planting trees under electric utility lines.* Only trees listed as Ornamental trees on the official city tree species list may be planted under or within fifteen (15) lateral feet of any overhead utility wire.

(f) *Protection of public trees during construction.* Any person, firm, corporation, or city department performing construction in the area of any public tree must employ appropriate measures to protect the tree, including, but not limited to, placing barriers around the tree to prevent any damage.

Sec. 50-23. Adjacent owner responsibility.

(a) The owner of land adjacent to any city street or highway, when acting within the provisions of this Ordinance, may plant and maintain trees in the adjacent parkway area. Property owners are responsible for the reasonable and routine maintenance of trees and other landscaping in the adjacent parkway area.

(b) No property owner shall allow a tree, or other plant growing on his or her property or within the adjacent parkway to obstruct or interfere with pedestrians or the view of drivers, thereby creating a hazard. If an obstruction persists, the Director shall notify the property owner to prune or remove the tree or plant. If the owner fails to comply with the notice, the City may undertake the necessary work and charge the cost to the property owner.

Sec. 50-24. Prohibition against harming public trees.

(a) It shall be unlawful for any person, firm or corporation to damage, remove, or cause the damage or removal of a tree on public property without written permission from the Director.

(b) It shall be unlawful for any person, firm or corporation to attach any cable, wire or signs or any other object to any street, park, or public tree.

(c) It shall be unlawful for any person, firm or corporation to “top” any public tree. Trees severely damaged by storms or other causes, where best pruning practices are impractical may be exempted from this provision at the determination of the Director.

Sec. 50-25. Certain trees declared a nuisance.

Any tree, or limb thereof, on private property determined by the Director to have contracted a lethal, communicable disease or insect; to be dead or dying; to obstruct the view of traffic signs or the free passage of pedestrians or vehicles; or that threatens public health, safety, and welfare is declared a nuisance and the City may require its treatment or removal. Private property owners have the duty, at their own expense, to remove or treat nuisance trees on their property. The City may remove such trees at the owner's expense if the owner does not comply with treatment and/or removal as specified by the Director within the written notification period.

Parks and Recreation Advisory Board

April 4, 2023

Justin City Hall, 415 North College Street

Cover Sheet

Agenda Item: #1

Title: Park Improvements

Department: Administration

Contact: Public Works Administrative Coordinator, Kira Sedivy

Recommendation: Review list of Park Improvements recommendations

Background: Review the items on the list of recommendations of Park Improvements that was presented to City Council during the March 14th meeting.

City Attorney Review: N/A

PARK IMPROVEMENTS PRIORITY LIST

Large Projects

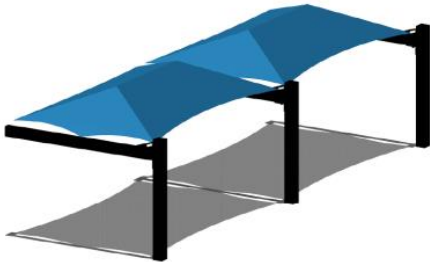
1. Replace play structure at Reatta Park (see options below) - **\$25,737 plus installation**
2. Repair existing sidewalks at City Hall Park – **met with vendor, waiting on a quote**
3. Add playground bark chips at Community & Reatta Park & replace at City Hall - **\$7,000 - \$8,500 = \$24,000**
4. Add climbing structure at City Hall Park - **\$5,662 plus installation**
5. Remove Volleyball court and fill in with a concrete pad – **met with vendor, waiting on a quote**
6. Shade structure over baseball bleachers at Community Park – **\$162,100**
7. Shade structure over playground play structure at Community Park – **\$77,000**

Small Projects

1. Picnic tables – Community (4) City Hall (2), Tally Pond (3) & Bishop (2) –
\$1,150 (x 11 tables) + \$664.73 (shipping) = \$13,314.73
 - Concrete – **\$5.13 a bag x 44 = \$225.72**
2. Bleachers for Soccer fields at Community Park (2) - **\$1,472 = \$2,944**
3. Replace “fishing catch & release only” signs at Tally and Reatta pond (4) - **\$49.15 each = \$196.60**
4. Replace “no swimming or boating on pond” signs at Tally and Reatta pond (4) - **\$36.50 = \$146**
5. Plant trees in parking lot islands at Community Park (6-8) - **\$200 - \$450 each = \$3,600**


Total for all Improvements – \$314,926.05

Community Park Baseball Bleachers Shade Structure Quote

Structure 1				
UNIT IMAGE	UNIT DETAILS			
	Unit Quantity:	4	Foundations By	USA Shade
	Unit Type:	Full Hip Cantilever Joined	Grout Installation	USA Shade
	Structure Size:	42x21.5	Footing Type:	Drilled Pier
	USA Shade Model Number		Base Attachment:	USA Shade
	Entry Height:	12	Anchor Bolts:	USA Shade
	No of Columns:	3	Concrete Cutting:	Drilled Pier
	No of Fabric Tops:	2	Dirt Removal:	USA Shade
	Fabric Type:	Shadesure	Surface Type:	Concrete
	Fabric Color:	TBD	NOTES	
	Steel Finish:	Powder Coat		
PRICE	Steel Color:	TBD	TURNKEY Installation with drill pier foundations. Foundation final locations and elevations to be staked and confirmed by Client. USA Shade is not responsible for any underground utilities or relocation of them. Geotech must be provided for review. Hard dig conditions not included in pricing. Excludes Crane if we do not have clear access	
	Electrical Provisions:	N/A		
	\$162,100.00	Cable/HDW Finish:		
Concept No:				



Community Playground Shade Structure Quote

Structure 1				
UNIT IMAGE	UNIT DETAILS			
	Unit Quantity:	1	Foundations By	USA Shade
	Unit Type:	Full Hip Cantilever Joined	Grout Installation	USA Shade
	Structure Size:	45x40	Footing Type:	Drilled Pier
	USA Shade Model Number		Base Attachment:	USA Shade
	Entry Height:	16	Anchor Bolts:	USA Shade
	No of Columns:	4	Concrete Cutting:	Drilled Pier
	No of Fabric Tops:	1	Dirt Removal:	USA Shade
	Fabric Type:	Shadesure	Surface Type:	Concrete
	Fabric Color:	TBD	NOTES	
	Steel Finish:	Powder Coated		
PRICE	Steel Color:	TBD	TURNKEY Installation with drill pier foundations. Foundation final locations and elevations to be staked and confirmed by Client. USA Shade is not responsible for any underground utilities or relocation of them. Geotech must be provided for review. Hard dig conditions not included in pricing. Excludes Crane if we do not have clear access	
	Electrical Provisions:	N/A		
	\$77,000.00	Cable/HDW Finish:		
Concept No:				



8' Heavy Duty ADA Picnic Table (Uline)

Item# H-2673G \$1,150



3 Row 15' Aluminum Bleachers – Sideline Series

Item# 569-1214 \$1,472



**Replacement Fishing Catch & Release and No
Swimming or Boating signs for Tally & Reatta Pond**



Sign replacement at Tally & Reatta Pond



Strawtown Pike Play System

MSRP \$33,458.00

SALE \$25,737.00

Highlights:

- Easy to advanced climbers
- Mix of elevated and ground activities
- Bridges and tubes connect the entire unit together
- ADA compliant making it excellent for public spaces

Age Group: 5 to 12 years

Capacity: 46-53

Fall Height: 72"

Use Zone: 36' 11" x 39' 2"

COMPLIES With:

ASTM F1487-17

CPSC PUB #325

ADA Compliant



The Strawtown Pike Play System is our largest in-stock structure with the ability to be shipped in Primary or Neutral color schemes in one to two weeks. For those that are looking for a structure for an upcoming event fast, the Strawtown Pike brings play for elementary aged children to a playground near you quickly. If you're interested in a custom color palette, it can be ordered in a wide variety of colors at a six to seven week shipping time. This unit can comfortably accommodate several play hungry children that are ready to adventure through a maze of plastic and steel. Children can ascend the Lotus Step Climber, Vertical Ladder, Vertical PE Rock Climbing Wall or Figure Climber to get back into the thick of it in unique ways. A system with this much variation is a captivatingly fun time for school-aged children of any size or shape. The Strawtown Pike Play System is as safe as it is fun. The steel of the unit is powder-coat painted and the plastic is roto-molded.

Condition of Reatta Park Play Structure





Round Super Net Climber 2 (148-inch install height)

MSRP \$6,470.00

SALE \$5,662.00

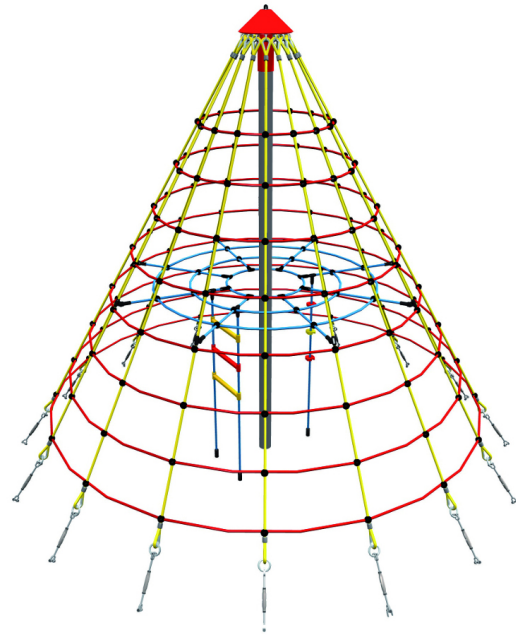
Highlights:

- Internal elevated play level
- Easily climbed on the inside or outside
- Internal ladders up to the second level
- Encourages social engagement
- Black ropes define the structure
- Powder coat is available for the central galvanized steel post at an additional cost

Age Group: 5 to 12 years

Footprint: 13' 1" x 13' 1"

Use Zone: 25' 1" x 25' 1"



The Round Super Net Climber 2 combines the best qualities of a net climber, jungle gym, and teepee into one exciting playground structure. The simple, conical shape is formed by 16 synthetic ropes which extend outwards from the top of the 148-inch central galvanized steel support post and are securely anchored to the ground. These are all connected by rope rings which form the horizontal climbing rungs of the structure. Rather than knots, the ropes are fastened together with sturdy plastic connectors. The spaces between them are large enough to work as excellent footholds, and large enough for kids to slip through them to get from one side to the other. The inside of the structure is mostly hollow to allow space for kids to move around, but there is also a 'platform' of ropes bisecting it, which children can play either on top of or beneath. This platform even has two types of climbing ropes leading up to it, so that children can easily reach.

ADA and Playground Accessibility

According to ADA, an accessible playground is one that offers a range of play experiences to children of varying abilities. There must be:

- An accessible path from the building or parking lot to the edge of the play area.
- An accessible path from the edge of the play area to the play equipment
- Surfacing that complies with ASTM 1951 (Determination of accessibility of surface systems under and around playground equipment)

Once a child is in the play area, they must be able to access the play equipment by either moving out of their mobility device onto the playground structure (such as a transfer station) or by direct play structure access in their mobility device (such as a ramp).

Path of travel. An alteration that affects or could affect the usability of or access to an area of a facility that contains a primary function shall be made so as to ensure that, to the maximum extent feasible, the path of travel to the altered area and the restrooms, telephones, and drinking fountains serving the altered area are readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs, *unless the cost and scope of such alterations is disproportionate to the cost of the overall alteration.*

- **Disproportionality.**

- (A) Alterations made to provide an accessible path of travel to the altered area will be deemed disproportionate to the overall alteration when the cost exceeds 20 % of the cost of the alteration to the primary function area.
- (B) Costs that may be counted as expenditures required to provide an accessible path of travel may include:
 - (1) Costs associated with providing an accessible entrance and an accessible route to the altered area, for example, the cost of widening doorways or installing ramps;
 - (2) Costs associated with making restrooms accessible, such as installing grab bars, enlarging toilet stalls, insulating pipes, or installing accessible faucet controls;
 - (3) Costs associated with providing accessible telephones, such as relocating the telephone to an accessible height, installing amplification devices, or installing a text telephone (TTY); and
 - (4) Costs associated with relocating an inaccessible drinking fountain.

- **Duty to provide accessible features in the event of disproportionality.**

- (A) When the cost of alterations necessary to make the path of travel to the altered area fully accessible is disproportionate to the cost of the overall alteration, the path of travel shall be made accessible to the extent that it can be made accessible without incurring disproportionate costs.
- (B) In choosing which accessible elements to provide, priority should be given to those elements that will provide the greatest access, in the following order—

- (1) An accessible entrance;
- (2) An accessible route to the altered area;
- (3) At least one accessible restroom for each sex or a single unisex restroom;
- (4) Accessible telephones;
- (5) Accessible drinking fountains; and
- (6) When possible, additional accessible elements such as parking, storage, and alarms.

- **Series of smaller alterations.**

- (A) The obligation to provide an accessible path of travel may not be evaded by performing a series of small alterations to the area served by a single path of travel if those alterations could have been performed as a single undertaking.
- (B)
 - (1) If an area containing a primary function has been altered without providing an accessible path of travel to that area, and subsequent alterations of that area, or a different area on the same path of travel, are undertaken within three years of the original alteration, the total cost of alterations to the primary function areas on that path of travel during the preceding three-year period shall be considered in determining whether the cost of making that path of travel accessible is disproportionate.
 - (2) Only alterations undertaken on or after March 15, 2011, shall be considered in determining if the cost of providing an accessible path of travel is disproportionate to the overall cost of the alterations.

- **Accessibility standards and compliance date.**

- (1) If physical construction or alterations commence after July 26, 1992, but prior to the September 15, 2010, then new construction and alterations subject to this section must comply with either the UFAS or the 1991 Standards except that the elevator exemption contained at section 4.1.3(5) and section 4.1.6(1)(k) of the 1991 Standards shall not apply. Departures from particular requirements of either standard by the use of other methods shall be permitted when it is clearly evident that equivalent access to the facility or part of the facility is thereby provided.
- (2) If physical construction or alterations commence on or after September 15, 2010, and before March 15, 2012, then new construction and alterations subject to this section may comply with one of the following: the 2010 Standards, UFAS, or the 1991 Standards except that the elevator exemption contained at section 4.1.3(5) and section 4.1.6(1)(k) of the 1991 Standards shall not apply. Departures from particular requirements of either standard by the use of other methods shall be permitted when it is clearly evident that equivalent access to the facility or part of the facility is thereby provided.
- (3) If physical construction or alterations commence on or after March 15, 2012, then new construction and alterations subject to this section shall comply with the 2010 Standards.
- (4) For the purposes of this section, ceremonial groundbreaking or razing of structures prior to site preparation do not commence physical construction or alterations.

- **Noncomplying new construction and alterations.**
 - (i) Newly constructed or altered facilities or elements covered by §§ 35.151(a) or (b) that were constructed or altered before March 15, 2012, and that do not comply with the 1991 Standards or with UFAS shall before March 15, 2012, be made accessible in accordance with either the 1991 Standards, UFAS, or the 2010 Standards.
 - (ii) Newly constructed or altered facilities or elements covered by §§ 35.151(a) or (b) that were constructed or altered before March 15, 2012 and that do not comply with the 1991 Standards or with UFAS shall, on or after March 15, 2012, be made accessible in accordance with the 2010 Standards.

240 Play Areas

240.1 General. Play areas for children ages 2 and over shall comply with 240. Where separate play areas are provided within a site for specific age groups, each play area shall comply with 240. Play areas may be located on exterior sites or within a building. Where separate play areas are provided within a site for children in specified age groups (e.g., preschool (ages 2 to 5) and school age (ages 5 to 12)), each play area must comply with this section. Where play areas are provided for the same age group on a site but are geographically separated (e.g., one is located next to a picnic area and another is located next to a softball field), they are considered separate play areas and each play area must comply with this section.

240.1.1 Additions. Where play areas are designed and constructed in phases, the requirements of 240 shall apply to each successive addition so that when the addition is completed, the entire play area complies with all the applicable requirements of 240.

Advisory 240.1.1 Additions. These requirements are to be applied so that when each successive addition is completed, the entire play area complies with all applicable provisions. For example, a play area is built in two phases. In the first phase, there are 10 elevated play components and 10 elevated play components are added in the second phase for a total of 20 elevated play components in the play area. When the first phase was completed, at least 5 elevated play components, including at least 3 different types, were to be provided on an accessible route. When the second phase is completed, at least 10 elevated play components must be located on an accessible route, and at least 7 ground level play components, including 4 different types, must be provided on an accessible route. At the time the second phase is complete, ramps must be used to connect at least 5 of the elevated play components and transfer systems are permitted to be used to connect the rest of the elevated play components required to be located on an accessible route.

240.2 Play Components. Where provided, play components shall comply with 240.2.

240.2.1 Ground Level Play Components. Ground level play components shall be provided in the number and types required by 240.2.1. Ground level play components that are provided to comply with 240.2.1.1 shall be permitted to satisfy the additional number required by 240.2.1.2 if the minimum required types of play components are satisfied. Where two or more required ground level play components are provided, they shall be dispersed throughout the play area and integrated with other play components.

Advisory 240.2.1 Ground Level Play Components. Examples of ground level play components may include spring rockers, swings, diggers, and stand-alone slides. When distinguishing between the different types of ground level play components, consider the general experience provided by the play component. Examples of different types of experiences include, but are not limited to, rocking, swinging, climbing, spinning, and sliding. A spiral slide may provide a slightly different

experience from a straight slide, but sliding is the general experience and therefore a spiral slide is not considered a different type of play component from a straight slide.

Ground level play components accessed by children with disabilities must be integrated into the play area. Designers should consider the optimal layout of ground level play components accessed by children with disabilities to foster interaction and socialization among all children. Grouping all ground level play components accessed by children with disabilities in one location is not considered integrated.

Where a stand-alone slide is provided, an accessible route must connect the base of the stairs at the entry point to the exit point of the slide. A ramp or transfer system to the top of the slide is not required. Where a sand box is provided, an accessible route must connect to the border of the sand box. Accessibility to the sand box would be enhanced by providing a transfer system into the sand or by providing a raised sand table with knee clearance complying with 1008.4.3.

Ramps are preferred over transfer systems since not all children who use wheelchairs or other mobility devices may be able to use, or may choose not to use, transfer systems. Where ramps connect elevated play components, the maximum rise of any ramp run is limited to 12 inches (305 mm). Where possible, designers and operators are encouraged to provide ramps with a slope less than the 1:12 maximum. Berms or sculpted dirt may be used to provide elevation and may be part of an accessible route to composite play structures.

Platform lifts are permitted as a part of an accessible route. Because lifts must be independently operable, operators should carefully consider the appropriateness of their use in unsupervised settings.

240.2.1.1 Minimum Number and Types. Where ground level play components are provided, at least one of each type shall be on an accessible route and shall comply with 1008.4.

240.2.1.2 Additional Number and Types. Where elevated play components are provided, ground level play components shall be provided in accordance with Table 240.2.1.2 and shall comply with 1008.4.

EXCEPTIONS:

1. Play areas located in family child care facilities where the proprietor actually resides shall not be required to comply with 240.

2. In existing play areas, where play components are relocated for the purposes of creating safe use zones and the ground surface is not altered or extended for more than one use zone, the play area shall not be required to comply with 240.

3. Amusement attractions shall not be required to comply with 240.

4. Where play components are altered and the ground surface is not altered, the ground surface shall not be required to comply with 1008.2.6 unless required by 202.4.

EXCEPTION: If at least 50 percent of the elevated play components are connected by a ramp and at least 3 of the elevated play components connected by the ramp are different types of play components, the play area shall not be required to comply with 240.2.1.2.

Proposed Sidewalks at City Hall

(orange is existing, blue is additions)

