

CITY OF PLYMOUTH, WISCONSIN

Ordinance No. 17 of 2019

AN ORDINANCE AMENDING SECTION 15-3-1, OF THE MUNICIPAL CODE OF THE CITY OF PLYMOUTH, WISCONSIN REGARDING GRIEVANCES REGARDING ACCESS TO PUBLIC BUILDINGS BY HANDICAPPED PERSONS

WHEREAS, the City of Plymouth has a grievance procedure for complaints related to accessibility to public buildings by individuals with disabilities; and

WHEREAS, such procedure is appropriate for updating to reflect current terminology and City personnel.

NOW, THEREFORE, the Common Council of the City of Plymouth does hereby ordain as follows:

Section 1. Amending Code. Section 15-3-1, Grievance Procedures Regarding Access to Public Buildings by Handicapped Persons, of the Municipal Code of the City of Plymouth are hereby amended as follows (additions shown by underscore, deletions by strikeouts):

"SEC. 15-3-1 GRIEVANCE PROCEDURES REGARDING ACCESS TO PUBLIC BUILDINGS BY HANDICAPPED PERSONS INDIVIDUALS WITH DISABILITIES.

(a) **Statement of Purpose.** The City of Plymouth is committed to providing adequate access ~~by handicapped or visually impaired persons~~ to individuals with disabilities to City-owned buildings. This Section provides for a grievance procedure providing for prompt and equitable resolution of complaints alleging any action prohibited by Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794) and respect to the Americans With Disabilities Act, 42 USC Sec. 12101; Section 504 states, in part, that "no otherwise qualified ~~handicapped~~ individual with a disability . . . shall, solely by reason of ~~his handicap~~ his or her disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or its activity receiving federal financial assistance. . . ."

(b) **Complaint Procedure.**

(1) Complaints should be filed with the ~~Director of Public Works~~ Human Resources Specialist at City Hall, 128 Smith Street, Plymouth, Wisconsin 53073, who has been designated the "ADA Coordinator" to coordinate Section 504 Compliance.

(2) A complaint should be filed in writing or verbally, contain the name and address of the person filing it and briefly describe the alleged violation of the regulations.

(3) A complaint should be filed within thirty (30) days after the complainant becomes aware of the alleged violation. ~~(Processing of allegations of discrimination occurring before this grievance procedure was in place will be considered on a case-by-case basis.)~~

(4) An investigation, as may be appropriate, shall follow a filing of a complaint. The investigation will be conducted by an appropriate person designated by the ~~Director of Public Works who should review the handicapped Requirements Handbook published by the Federal Programs Advisory Service~~ ADA Coordinator.

(5) A written determination as to the validity of the complaint and description of the resolution, if any, shall be issued by the designated person and a copy forwarded to the complainant no later than thirty (30) days after its filing.

(6) The ~~Section 504 coordinator~~ ADA Coordinator shall maintain the files and records of the City relating to the complaints filed.

(c) **Appeals.**

(1) The complainant may appeal the decision of the ~~Section 504 coordinator~~ ADA Coordinator where he or she is dissatisfied with the resolution. The appeal request shall be made within seven (7) days to the ~~Director of Public Works~~ ADA Coordinator.

(2) The grievance shall be heard by the Common Council within ten (10) working days after the filing of an appeals request. The grievance shall be heard at the City Hall at a convenient time fixed by the Common Council. The ~~Director of Public Works~~ ADA Coordinator shall give at least three (3) days' written notice to the applicant by first class mail of any such grievance hearing.

(3) Either party to the grievance may be represented, present evidence by testimony or otherwise, cross-examine witnesses, and make argument either in person or by an agent of his or her choosing. Proceedings may, and upon request of the applicant, shall be recorded.

(4) The decision of the Common Council on the grievance appeal shall be in writing and shall state the reasons for the decision. The decision of the Council shall be rendered within three (3) working days of the close of the hearing and the Common Council shall immediately upon rendering the decision mail a copy thereof by first class mail to the applicant complainant at the current post office address given in his or her application complainant and record a copy of its determination with the ~~Director of Public Works~~ ADA Coordinator.

~~(d) — Other Remedies. The right of a person to a prompt and equitable resolution of the complaint filed hereunder shall not be impaired by the person's pursuit of other remedies such as the filing of a Section 504 complaint with the Office of Revenue Sharing, U.S. Department of the Treasury. Utilization of this grievance procedure is not a prerequisite to the pursuit of other remedies. However, the City believes that resolution of the complaint will be more promptly achieved if the City is able to provide a remedy before the complaint is brought to an external organization.~~

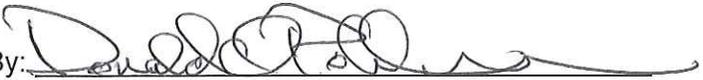
(ed) **Due Process.** This Section shall be construed to protect the substantive rights of interested persons, to meet appropriate due process standards and to assure that the City complies with Section 504 regulations."

Section 2. Severability. Should any portion of this Ordinance or the affected Municipal Code Section be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder shall not be affected.

Section 3. Effective Date. This Ordinance shall take effect the day after publication.

Enacted on December 10, 2019.

CITY OF PLYMOUTH

By: 
Donald O. Pohlman, Mayor

Date: 12-10-2019

CLERK'S CERTIFICATE OF ENACTMENT

I hereby certify that the foregoing Ordinance was duly enacted by the City of Plymouth Common Council and approved by the Mayor on the dates indicated above.

Dated: 12-10, 2019


Sabrina Dittman, Clerk

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