

ORDINANCE OF THE TOWNSHIP OF DEPTFORD AMENDING THE DEPTFORD MUNICIPAL CODE TO AFFIRM THE TOWNSHIP'S COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT

WHEREAS, the Township of Deptford has previously adopted Resolution 75-11 to provide notice of the Township's compliance with the Americans with Disabilities Act of 1990 ("ADA"); and

WHEREAS, the Township of Deptford has previously adopted Resolution 76-11 to establish a Grievance Procedure in compliance with the ADA; and

WHEREAS, the Township of Deptford wishes to amend its Municipal Code to include compliance procedures for the ADA;

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Township Council of the Township of Deptford, in the County of Gloucester, State of New Jersey, as follows:

Section 1. §30-1 of the Township Code shall state, "In accordance with the requirements of Title II of the Americans with Disabilities Act of 1990 ("ADA"), the Township of Deptford will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs, or activities.

The Township of Deptford does not discriminate on the basis of disability in its hiring or employment practices and complies with all regulations promulgated by the U.S. Equal Employment Opportunity Commission under title I of the ADA.

The Township of Deptford will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in Deptford Township's programs, services, and activities, including qualified sign language interpreters, documents in Braille, and other ways of making information and communications accessible to people who have speech, hearing, or vision impairments.

The Township of Deptford will make all reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all of its programs, services, and activities. For example, individuals with service animals are welcomed in Deptford Township's offices, even where pets are generally prohibited.

The ADA does not require the Township of Deptford to take any action that would fundamentally alter the nature of its programs or services, or impose an undue financial or administrative burden.

The Township of Deptford will not place a surcharge on a particular individual with a disability or any group of individuals with disabilities to cover the cost of providing auxiliary aids/services or reasonable modifications of policy, such as retrieving items from locations that are open to the public but are not accessible to persons who use wheelchairs.”

Section 2. § 30-2 of the Township Code shall state “The Township shall disseminate sufficient information to inform all interested persons of the rights and protections afforded by the ADA and the rules promulgated pursuant thereto related to the responsibilities of the Township of Deptford. This information shall be provided in a manner consistent with the federal rules for effective communication.

The Township may fulfill this requirement by publication of information in handbooks, manuals or pamphlets which describe the Township's programs and activities, by the display of posters in service centers and other public places, or by the broadcast of information on radio or television.”

Section 3. § 30-3 of the Township Code shall state “This Grievance Procedure is established to meet the requirements of the Americans with Disabilities Act of 1990 ("ADA"). It may be used by anyone who wishes to file a complaint alleging discrimination on the basis of disability in the provision of services, activities, programs, or benefits by the Deptford Township. The Township of Deptford's Personnel Policy governs employment-related complaints of disability discrimination. The complaint should be in writing and contain information about the alleged discrimination such as name, address, phone number of complainant and location, date, and description of the problem. Alternative means of filing complaints, such as personal interviews or a tape recording of the complaint will be made available for persons with disabilities upon request.

The complaint should be submitted by the grievant and/or his/her designee as soon as possible but no later than 60 calendar days after the alleged violation to:

ADA Coordinator
1011 Cooper Street
Deptford, NJ 08096

Within 15 calendar days after receipt of the complaint, the ADA Coordinator or his designee will meet with the complainant to discuss the complaint and the possible resolutions. Within 15 calendar days of the meeting, the ADA Coordinator or his designee will respond in writing, and where appropriate, in a format accessible to the complainant, such as large print, Braille, or audio tape. The response will explain the position of the Township of Deptford and offer options for substantive resolution of the complaint.

If the response by the ADA Coordinator or his designee does not satisfactorily resolve the issue, the complainant and/or his/her designee may appeal the decision within 15 calendar days after receipt of the response to the Township Manager.

Within 15 calendar days after receipt of the appeal, the Township Manager or her designee will meet with the complainant to discuss the complaint and possible resolutions. Within 15 calendar days after the meeting, the Township or her designee will respond in writing, and, where appropriate, in a format accessible to the complainant, with a final resolution of the complaint.

All written complaints received by the ADA Coordinator or his designee, appeals to the Township Manager or her designee, and responses from these two offices will be retained by the Township of Deptford for at least three years.”

Section 4. § 30-4 of the Township Code shall state, “The ADA Coordinator shall evaluate all Township programs and services to ensure equal opportunity and equal access. The ADA Coordinator shall distribute the self-evaluation plan and permit comment thereon by all interested parties. The self-evaluation shall in all respects comply with the federal rules adopted pursuant to the ADA and shall be kept on file for a period of three years.”

Section 5. § 30-5 of the Township Code shall state, “The Township shall maintain in proper working condition those features of facilities and equipment that are required to be accessible and usable by persons with disabilities. This section of the Township Code shall not be interpreted to prohibit reasonable shutdown times for repairs.”

Section 6. § 30-6 of the Township Code shall state, “There is hereby established an ADA Compliance Committee to advise the Township Council and Township administration regarding issues that relate to the Township’s compliance with the federal ADA. The initial term of each member of the Committee shall be for one (1) year. The Committee shall be comprised of seven (7) committee members. The membership of the ADA Advisory Committee shall consist of two (2) members appointed by the Deptford Township Mayor, two (2) members of the Township’s administration selected by the Township Manager, and three (3) members of the public selected by the Township Council. The ADA Advisory Committee shall establish and vote to approve its own bylaws, which shall address the appointment of a committee chairperson, vice-chairperson, Township Council liaison member, the committee meeting schedule, quorum, committee membership terms of office and such other issues and questions as deemed appropriate and necessary by the ADA Advisory Committee.”

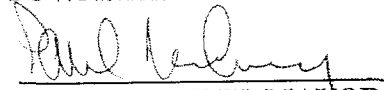
Section 7. Repealer. All ordinances or parts of ordinances inconsistent or in conflict with this Ordinance are hereby repealed as to said inconsistencies and conflict.

Section 8. Severability. If any section, part of any section, or clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the remaining provisions of this ordinance. The governing body of the Township of Deptford

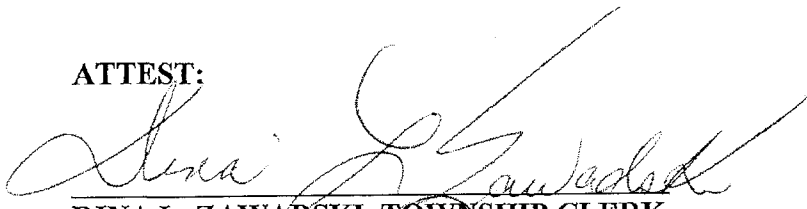
declares that it would have passed the ordinance and each section and subsection thereof, irrespective of the fact that any one or more of the subsections, sentences, clauses or phrases may be declared unconstitutional or invalid.



TOWNSHIP OF DEPTFORD

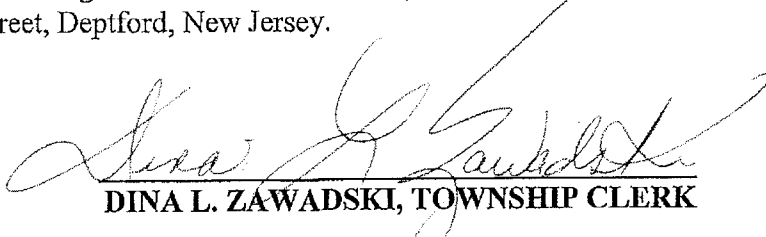

PAUL MEDANY, MAYOR

ATTEST:


DINA L. ZAWADSKI, TOWNSHIP CLERK

CERTIFICATION

The foregoing Ordinance was introduced at a Regular Meeting of Township Council of the Township of Deptford held on the 14th day of November, 2016 and will be considered for final passage and adoption at a Regular Meeting at which time any person interested therein will be given an opportunity to be heard. Said meeting to be held on the 12th day of December, 2016 at the Municipal Building, 1011 Cooper Street, Deptford, New Jersey.


DINA L. ZAWADSKI, TOWNSHIP CLERK

Introduction

RECORD OF VOTE						
Council Member	Resolution No.	Ordinance No.	Yes	No	Abstain	Absent
		O.19.16				
Medany			✓			
Hufnell			✓			
Barnshaw						✓
Lamb			✓			
Love			✓			
Schocklin			✓			
Scott			✓			

Adoption

RECORD OF VOTE						
Council Member	Resolution No.	Ordinance No.	Yes	No	Abstain	Absent
		O.19.16				
Medany			✓			
Hufnell			✓			
Barnshaw			✓			
Lamb			✓			
Love			✓			
Schocklin			✓			
Scott			✓			