

ORDINANCE NO. 80-794

AN ORDINANCE TO AMEND CHAPTER 9 OF THE CODE OF ORDINANCES TO ADDRESS ACCESSIBILITY STANDARDS AND MAINTENANCE OF FACILITIES.

THE CITY OF WARREN ORDAINS:

SECTION 1. That Chapter 9, Article II shall be amended to add section 9.17.1 through 9.18, relating to Accessibility Standards, as follows:

9.17.1 Preamble. The City of Warren is committed to achieving a barrier-free community to provide individuals with disabilities meaningful opportunities to enjoy public accommodations and public facilities, events, programs and services. The community as a whole will be served by improving conditions for persons with mobility impairments, covered by the American with Disabilities Act of 1990 (ADA). This ordinance intends to raise community awareness for accessibility standards, and to prioritize and encourage community-wide compliance.

9.17.2. All businesses, offices and non-profit organizations that serve the public shall be designed, constructed, altered or renovated to be accessible in accordance with: Public Act 1 of 1966, MCL 125.1351, 125.1356: the 2015 Michigan Building Code, including the International Code Council (ICC)/ American National Standards Institute (ANSI) A 117.1-2009 (ICC/ANSI), a copy of which is available for inspection with the Building Division, in addition to all other applicable Michigan Barrier-Free Design Standards, all of which are incorporated by reference into this ordinance.

9.17.3 Any site plan approved by the Planning Commission shall subject to plan review for compliance with the Americans with Disabilities Act (ADA), 2010 ADA Standards for Accessible Design or the Michigan Barrier Free Design Law, and implementing regulations, whichever standard would provide greater accessibility.

9.17.4. All parking, parking garages, accessible routes, signs, identity and markings shall be comply with accessibility standards or requirements of the ICC/ANSI, to the extent required by law. Accessible routes to all entrance areas of buildings shall be clear and unobstructed.

9.17.5 All parking space accessibility identification signs shall include the International Symbol of accessibility in accordance with section 502.6 of the ADA Accessibility Standards and referenced regulations.

9.17.5(i) Gas stations shall post signs on the premises to notify individuals with disabilities of the availability of assistance with refueling of gasoline, and such signs shall be readily visible and maintained in good condition.

9.17.6 Facilities listed or designated in the National Register of Historic Places or properties designated as historic under state or local law that are exempt from structural changes under the standards of ADA shall provide alternatives to structural changes to depict the inaccessible portions of the facility.

9.17.7 In addition to the standards in the State Construction Code and the Property Maintenance Code, all accessibility signs, ramps, handrails, curb cuts, parking lot striping, parking spaces, lifts, curb ramps, crosswalks, grab bars and all other accessibility elements or facilities shall be maintained in good repair, and shall be stable, firm, graded and clearly visible, and in accordance with the respective standard of the 2010 ADA Standards or ICC/ANSI.

9.17.8. Any defective or deficient, deteriorated or hazardous ramp, sign, handrail, curb cut, grab bar, lifts, or accessibility element or facility, shall be replaced, repaired or upgraded to the standards under the ADA or ANSI/ICC which ever would provide the highest standard of accessibility based upon the nature, type or use of facility.

9.17.9. Places of public accommodation as defined by Title III of the ADA shall keep their aisles, entrances, corridors, check-out aisles, accessible paths, routes, ramps, elevator doorways and platforms from any clutter, obstruction or protrusions that impede or impair access or create a hazard for a person using a mobility device. No mounted object, from shelf, wall, post, or other element, shall protrude or obstruct upon the space allowances or turning space ranges established under the ADA standards for individuals using a mobility device.

9.17.10. All ground, floor surfaces, ramp surfaces, stairs, and carpets shall be stable, firm, and slip resistant and securely attached. This shall include interior and exterior areas. All accessible routes shall include a clear, continuous, unobstructed path to the accessible elements and spaces of a building or facility.

9.18. The building official shall enforce the repair or replacement of a defective or deficient barrier-free facilities or elements, and for any upgrade to the strictest standard allowed by law, upon the renovation or remodel of any facility or business that is required to comply based upon the work performed or use group change, as applied in the referenced regulations or codes. Each business with a violation shall receive a warning and opportunity to remediate the violation prior to issuance of a citation.

SECTION 3. That any violation of a provision of this ordinance is a blight violation subject to enforcement under section 9.1, Chapter 28 or Chapter 2.5 of the Code of Ordinances.

SECTION 4. Except as amended all other parts or provisions of the division shall remain unchanged and in effect.

SECTION 5. That any part of provision of this ordinance amendment that is determined by a court or ruling to be unlawful or invalid shall be severable, and will not impair or affect the validity or enforcement of the remainder of the ordinance.

This Ordinance shall take effect on August 11, 2021.

I HEREBY CERTIFY that the foregoing Ordinance No. 80-794 was adopted by the Council of the City of Warren at its meeting held on April 13, 2021.

SONJA BUFFA
City Clerk

Published: August 11, 2021

ID 75331