

**VILLAGE OF OSWEGO
KENDALL COUNTY, ILLINOIS**

ORDINANCE NO. 14 -- 92

**AN ORDINANCE AMENDING TITLE 1 ADMINISTRATIVE, CHAPTER 12 BUILDING AND
ZONING MANAGER TO ESTABLISH AN ADA ACCESSIBILITY COORDINATOR AND
GRIEVANCE PROCEDURE OF THE VILLAGE OF OSWEGO MUNICIPAL CODE**

(ADA Accessibility Coordinator/Grievance Procedure)

**ADOPTED BY
THE PRESIDENT AND BOARD OF TRUSTEES
OF THE
VILLAGE OF OSWEGO**

This 4th day of November 2014

Published in pamphlet form by authority of the President
and Board of Trustees of the Village of Oswego on November 5, 2014.

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WHEREAS, the Village of Oswego ("Village") has a population of more than 25,000 and is therefore a "Home Rule Unit" under the 1970 Illinois Constitution; and

WHEREAS, the Illinois Constitution of 1970 provides that a Home Rule Unit may exercise any power and perform any function pertaining to its government and affairs, including but not limited to the power to regulate for the protection of the public health, safety, morals and welfare; to license, to tax; and to incur debt; and

WHEREAS, the Village has in full force and effect a codified set of those ordinances of the Village which are of a general and permanent nature, which said codified set is known and designated as the Village Code of the Village of Oswego, as amended; and

WHEREAS, 65 ILCS 5/1-1-12 and 28 C.F.R. part 35, sections 35.106 and 35.107 requires all municipalities that have 50 or more employees to name an Americans with Disabilities Act (ADA) accessibility coordinator; adopt a grievance procedure for resolving complaints alleging violation of Title II of the ADA; publish notice to the public regarding the ADA and post the ADA Coordinator's name, office address and telephone number along with the ADA Notice and ADA grievance procedure on its website; and

WHEREAS, the Village of Oswego has 50 or more employees and while it is required to comply with this important legislation, the President and Board of Trustees do so willingly in order to help prevent discrimination of the physically and mentally disabled relating to employment and access to public facilities; and

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF OSWEGO, KENDALL COUNTY, ILLINOIS PURSUANT TO ITS STATUTORY AND HOME RULE AUTHORITY AS FOLLOWS:

Section 1: The Corporate Authorities hereby find that the recitals contained in the preamble are true and correct, and incorporate them here by reference.

Section 2: The Municipal Code, Title 1 Administrative, Chapter 12's Title, and Sections 1-12-1 and 1-12-2 are amended to read as follows:

Chapter 12
BUILDING AND ZONING MANAGER/ AMERICANS WITH DISABILITIES ACT
ACCESSIBILITY COORDINATOR

1-12-1: POSITION CREATED:

There is hereby created the position of building and zoning manager (in past village ordinances and documents this position has been referred to as building and zoning administrator; any reference to the building and zoning administrator shall hereafter mean the building and zoning manager). The building and zoning manager shall also serve as the Village's Americans with Disabilities Act (ADA) Accessibility Coordinator, and shall be under the direction and supervision of the community development director. In the event that there is no community development director or acting community development director, then under the direction the building and zoning manager shall be under the direction and supervision of the village administrator. (Ord. 07-99, 7-30-2007)

1-12-2: GENERAL DUTIES:

It shall be the responsibility of the building and zoning manager for the enforcement of all ordinance provisions relating to building and zoning, and to oversee the inspection of all buildings or structures being erected or altered. The building and zoning manager shall further perform a variety of routine and complex supervisory, administrative and technical work in the processing and issuance of construction permits and facilitation of development projects. As the Village of Oswego's Accessibility Coordinator, the Building & Zoning Department Manager coordinates the efforts of the Village to comply with Title II of the ADA. In addition, the Accessibility Coordinator administers the Village's ADA Grievance Procedure. (Ord. 07-99, 7-30-2007)

Section 3: That the Village's Building & Zoning Manager is designated as the ADA Accessibility Coordinator for the Village.

Section 4: The Village of Oswego Notice and Grievance Procedure under the Americans with Disabilities Act, as set forth in Exhibit A hereto, is adopted as the notice and grievance procedure for addressing complaints alleging discrimination on the basis of disability in the provision of services, activities, programs or benefits by the Village of Oswego.

Section 5: The Village President and Board of Trustees hereby direct the village administrator to post the required information regarding the ADA Coordinator, Notice under the Americans with Disabilities Act and the Village of Oswego Grievance Procedure under the

Americans with Disabilities Act on its website and at such other locations as may be determined from time to time.

Section 6: If any section, paragraph, subdivision, clause, sentence or provision of this Ordinance shall be adjudged by any Court of competent jurisdiction to be invalid, such judgment shall not affect, impair, invalidate or nullify the remainder thereof, which remainder shall remain and continue in full force and effect.

Section 7: All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 8: This Ordinance shall be in full force and effect immediately upon its passage and approval. Publication in pamphlet form is hereby authorized, as provided by law.

PASSED by the Board of Trustees of the Village of Oswego, Kendall County, Illinois this 4th day of November 2014.

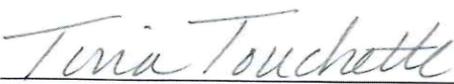
TONY GILES	<u>AYE</u>	PAM PARR	<u>AYE</u>
GAIL JOHNSON	<u>AYE</u>	JUDY SOLLINGER	<u>AYE</u>
TERRY MICHELS	<u>AYE</u>	SCOTT VOLPE	<u>AYE</u>

APPROVED by me, Brian LeClercq, as President of the Village of Oswego, Kendall County, Illinois, this 4th day of November 2014.



BRIAN LÉCLERCQ, VILLAGE PRESIDENT

ATTEST:



TINA TOUCHETTE, VILLAGE CLERK

STATE OF ILLINOIS)
)
COUNTY OF KENDALL) SS

CLERK'S CERTIFICATE

I, Tina Touchette, the duly qualified and acting Village Clerk of the Village of Oswego, Kendall County, Illinois, do hereby certify that I am the keeper of its books and records and that the attached hereto is a true and correct copy of an Ordinance entitled:

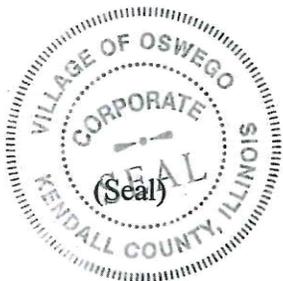
AN ORDINANCE AMENDING TITLE 1 ADMINISTRATIVE, CHAPTER 12 BUILDING AND ZONING MANAGER TO ESTABLISH AN ADA ACCESSIBILITY COORDINATOR AND GRIEVANCE PROCEDURE OF THE VILLAGE OF OSWEGO MUNICIPAL CODE

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which Ordinance was duly adopted by said Board of Trustees at a regular meeting held on the 4th day of November 2014.

I do further certify that a quorum of said Board of Trustees was present at said meeting and that the Board complied with all requirements of the Illinois Open Meetings Act.

IN WITNESS WHEREOF, I have hereunto set my hand this 5th day of November 2014.



Tina Touchette

Tina Touchette, Village Clerk
Village of Oswego

**VILLAGE OF OSWEGO
NOTICE AND GRIEVANCE PROCEDURE UNDER THE
AMERICANS WITH DISABILITIES ACT**

ADA Coordinator

The Village of Oswego's Accessibility Coordinator is the Building & Zoning Manager. This position coordinates the efforts of the Village to comply with Title II of the ADA. In addition, the Accessibility Coordinator administers the Village's ADA Grievance Procedure.

The ADA Coordinator can be contacted at:

- Phone – 630- 554-2310
- E-mail – tpahnke@oswegoil.org
- Mail – Tom Pahnke, 100 Parkers Mill, Oswego, IL 60543

Notice Pursuant to the Americans with Disabilities Act

In accordance with the requirements of Titles I and II of the Americans with Disabilities Act of 2010 ("ADA"), the Village of Oswego will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs, or activities.

- **Employment:** The Village of Oswego 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 Titles I and II of the ADA.

- **Effective Communication:** The Village of Oswego will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in the Village of Oswego'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.

- **Modifications to Policies and Procedures:** The Village of Oswego 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 the Village of Oswego offices, even where pets are generally prohibited.

Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a program, service, or activity of the Village of Oswego, should contact the office of the Village's Accessibility Coordinator Tom Pahnke at 630-554-2310, tpahnke@oswegoil.org or 100 Parkers Mill, Oswego, IL 60543 as soon as possible but no later than 48 hours before the scheduled event.

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

Complaints that a program, service, or activity of the Village of Oswego is not accessible to persons with disabilities should be directed to the Village's Accessibility Coordinator Tom Pahnke, 630-554-2310, tpahnke@oswegoil.org or 100 Parkers Mill, Oswego, IL 60543.

The Village of Oswego 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.

Grievance Procedure under the Americans with Disabilities Act

This Grievance Procedure is established to meet the requirements of the Americans with Disabilities Act of 2010 ("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 Village of Oswego. The Village's Employee Policy Manual 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:

Tom Pahnke, ADA Accessibility Coordinator
100 Parkers Mill
Oswego, IL. 60442
tpahnke@oswegoil.org

Within 15 calendar days after receipt of the complaint, the Village's ADA Accessibility Coordinator, or designee, will meet with the complainant to discuss the complaint and the possible resolutions. Within 15 calendar days of the meeting, the Village's ADA Accessibility Coordinator, or 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 Village of Oswego and offer options for substantive resolution of the complaint.

If the response by the Village's ADA Accessibility Coordinator, or designee, does not satisfactorily resolve the issue, the complainant may appeal the decision within 15 calendar days after receipt of the response to the Village Administrator, or designee.

Within 15 calendar days after receipt of the appeal, Village Administrator, or designee, will meet with the complainant to discuss the complaint and possible resolutions. Within 15 calendar days after the meeting, the Village Administrator, or 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 Village's ADA Accessibility Coordinator, or designee, appeals to the Village Administrator, or designee, and responses from these two offices will be retained by the Village Administrator for at least three years.

All information on this page is also available in alternative formats.