

**ORDINANCE 2009-07**

**AN ORDINANCE OF THE TOWNSHIP OF BARNEGAT, COUNTY OF OCEAN,  
STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER  
10A-1 ENTITLED "HANDICAPPED GRIEVANCE PROCEDURE", OF THE  
GENERAL CODE**

Be it ordained by the Mayor and Township Committee of the Township of Barnegat, County of Ocean, State of New Jersey as follows:

Chapter 10A-1 shall be deleted and in its place and stead shall be the following:

**Notice under the Americans with Disabilities Act**

In accordance with the requirements of Title II of the Americans with Disabilities Act of 1990 (ADA) Barnegat Township will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs or activities.

**Employment:**

Barnegat Township 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.

**Effective Communications:**

Barnegat Township will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in Barnegat Township's programs, services and activities, including qualified sign language interpreter, 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**

Barnegat Township 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 Barnegat Township offices, even where pets are generally prohibited.

Anyone who requires an auxiliary aid or service for effective communication, or modification of policies or procedures to participate in a program, service or activity of Barnegat Township, should contact the office of the ADA Coordinator, Edward L. Richard, Jr., at 609-548-2010 as soon as possible, but no later than 48 hours before the scheduled event.

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

Complaints that a program, service or activity of Barnegat Township is not accessible to persons with disabilities should be directed to the ADA Coordinator Edward L. Richard, Jr., at 900 West Bay Avenue, Barnegat, New Jersey 08005 or at 609-548-2010.

Barnegat Township will not place a surcharge on a particular individual with 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.

Chapter 10A-2, A through H shall be deleted and in its place and stead shall be the following:

### **GRIEVANCE PROCEDURE UNDER THE AMERICANS WITH DISABILITIES ACT**

In accordance with the requirements of Title II of the Americans with Disabilities Act of 1990 (ADA) Barnegat Township will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs or activities by Barnegat Township personnel policy governs employment-related complaints of disability discrimination.

The complaint shall be in writing and contain information about the alleged discrimination such as the name, address, phone number of complainant and location, date and description of the problem. Alternative means of filing complaints such as personal interviews or tapes recording of 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, not later than 60 calendar days after the alleged violation to: ADA Coordinator, Edward L. Richard, Jr., at 900 West Bay Avenue, Barnegat, NJ 08005.

Within 15 calendar days after receipt of the complaint ADA Coordinator, Edward L. Richard, Jr., or his designee will meet with the complainant to discuss the complaint and possible resolution.

Within 15 calendar days of the meeting ADA Coordinator, Edward L. Richard, Jr., 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 Barnegat Township and offer options for substantive resolution of the complaint.

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

Within 15 calendar days after receipt of the appeal the Township Administrator or his/her designee will meet with the complainant to discuss the complain and possible resolutions. Within 15 calendar days after the Administrator or his/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 ADA Coordinator, Edward L. Richard, Jr., or his designee, appeals and responses from all parties will be retained by Barnegat Township for at least three years.

#### Notice

Notice is hereby given that the foregoing Ordinance was introduced and passed on first reading at a regular meeting of the Township Committee of the Township of Barnegat, County of Ocean, State of New Jersey on the 17<sup>th</sup> day of February, 2009 and will be considered for final passage at a regular meeting to be held in the Municipal Court Room, 900 West Bay Avenue, Barnegat, New Jersey on the 2<sup>nd</sup> day of March, 2009 at 6:30 PM at which time and place any person desiring to be heard will be given the opportunity to be so heard.

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Kathleen T. West, RMC  
Municipal Clerk