

AMERICANS WITH DISABILITIES ACT

Chapter 1B

AMERICANS WITH DISABILITIES ACT

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[HISTORY: Adopted by the Mayor and Township Committee of the Township of Barnegat: Article I, 7-3-06 as Ord. No. 2006-15; Article II, 7-3-06 as Ord. No. 2006-16. Amendments noted where applicable.]

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

ARTICLE I  
Compliance with Act

**§ 1B-1. Purpose.**

The purpose of this ordinance is to establish compliance with the Americans with Disabilities Act, and designate an Americans with Disabilities Act Coordinator; and establish an Americans with Disabilities Act Advisory Board.

**§ 1B-2. Americans with Disabilities Act (ADA) Coordinator.**

- A. The Township Committee shall appoint one (1) Barnegat Township employee to serve as ADA Coordinator. The ADA Coordinator shall be familiar with the requirements of the ADA and coordinate township efforts to comply with and carry out township responsibilities under the ADA and the rules promulgated pursuant thereto, including the investigation of complaints alleging violations of the ADA.
- B. The Township Committee shall make the name, office address and telephone number of the ADA Coordinator available to any interested individuals.
- C. The Township Committee may appoint an individual to serve as the Deputy ADA Coordinator. The Deputy ADA Coordinator shall assist the ADA Coordinator and

perform such duties as required by the ADA Coordinator.

- D. The ADA Coordinator shall be appointed as a member of the ADA Advisory Board as provided for in Section 1B-3 of this ordinance. The Deputy ADA Coordinator shall be appointed as "Alternate No. 1" of the Board as provided in Section 1B-3 of this ordinance.
- E. The term of office for the ADA Coordinator and Deputy ADA Coordinator shall be for one (1) year, commencing on January 1 of the appointment and ending on December 31 of the year appointment.

**§ 1B-3. Americans with Disabilities Act (ADA) Advisory Board.**

There is hereby established an Americans with Disabilities Act Advisory Board of the Township of Barnegat. Members to the Board shall be appointed and perform their duties in accordance with Ordinance No. 2006-16<sup>1</sup> of the Barnegat Township Code.

**§ 1B-4. Notice.**

- A. The township shall disseminate sufficient information to inform all interested persons of the rights and protections afforded by ADA and the rules promulgated pursuant thereto related to the responsibilities of the Township of Barnegat. This information shall be provided in a manner consistent with the federal rules for effective communication.
- B. 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

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<sup>1</sup> Editor's Note: Ordinance No. 2006-16 is codified as Article II of this chapter.

and other public places for the broadcast of information on radio or television.

**§ 1B-5. Self-evaluation.**

- A. The ADA Advisory Board shall evaluate all township programs and services to ensure equal opportunity and equal access.
- B. The ADA Advisory Board shall distribute the self-evaluation plan and permit comment hereon by all interested parties.
- C. 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 (3) years.

**§ 1B-6. Maintenance of accessible features.**

- A. 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.
- B. This section of the Township Code shall not be interpreted to prohibit reasonable shutdown times for repairs.

**§ 1B-7. Employment.**

- A. The hiring practices of the township shall not discriminate against persons with disabilities.
- B. All job descriptions shall precisely and accurately describe the essential functions of the job performed by each employee.
- C. Job applications shall pertain strictly to job performance.

- D. All job interviews shall be limited to questions concerning the applicant's ability to perform the job.
- E. The interviewer shall not inquire about disabilities or conduct tests that screen out people with disabilities.
- F. Questions about the applicant's addiction to alcohol or drugs shall not be asked.
- G. The township shall not conduct medical examinations or inquiries of job applicants prior to an offer of employment. The township may, however, require medical examinations and/or inquiries after making an offer to employment to a job applicant and before the applicant begins employment with the township. The township may condition an offer of employment on the results of the medical examination or inquiry. If the township chooses to conduct such medical examinations or inquiries, all entering employees in the same job category shall be to the examination or inquire regardless of disability.
- H. Any medical information obtained from employee medical examinations and inquiries shall be maintained on separate forms and shall be treated as confidential and not kept in an employee's personnel file.
- I. Persons with mental or physical disabilities are eligible as long as they can perform the essential functions of the job after reasonable accommodation is made to their known limitations. If the accommodation cannot be made because it would cause the employer undue hardship, such person may not be eligible.

**§ 1B-8. Program accessibility.**

- A. The township shall make reasonable accommodations to make its facilities accessible to and usable by individuals with disabilities. An individual shall not be excluded from participation in or be denied the benefits

of the services, programs or activities of the township due to disability.

- B. The township shall make reasonable accommodations to its facilities as required by the ADA.
- C. The township shall prepare a transition plan setting for the steps necessary to complete the structural changes in all public facilities. All interested persons, including individuals with disabilities, shall be able to participate in the development of the transition plan. After completion, a copy of the transition plan shall be made available for public inspection. The transition plan shall include, at a minimum the following:
  - (1) Identification of physical obstacles in the township's facilities that limit the accessibility of its programs or activities to individuals with disabilities;
  - (2) Description in detail of the methods that will be used to make the facilities accessible;
  - (3) Specification of the schedule for taking the steps necessary to achieve compliance;
  - (4) Indication of the official responsible for implementation of the plan;
  - (5) Indication why certain township facilities cannot be made accessible.
- D. Effective immediately, the new construction and alteration provisions of the ADA and the regulations adopted pursuant thereto shall apply to township construction.

**§ 1B-9. Communications.**

- A. The township shall take whatever steps may be necessary to ensure that communications with applicants, participants and members of the public with

disabilities are as effective as communications with others.

- B. Auxiliary aids and/or services shall be furnished to afford individuals with disabilities an equal opportunity to participate in and enjoy the benefits of the township's services, programs and activities.
- C. The township shall equip emergency systems with telecommunications devices for the deaf (TDD's) and computer modems.
- D. All township communications, including the public notices required by Section 1B-4 of this chapter, shall comply with the communication requirements of the ADA and the regulations adopted pursuant thereto.
- E. The township shall place an appropriate access statement on all public communications.

§ 1B-10. (Reserved)

ARTICLE II  
Americans with Disabilities Act Advisory Board

§ 1B-11. Purpose.

The purpose of this ordinance is to establish an Americans with Disabilities Act Advisory Board.

§ 1B-12. Membership; alternates, designation of Chairperson and officers. [Amended 10-18-10 by Ord. No. 2010-26]

The Americans with Disabilities Act Advisory Board shall consist of seven (7) regular members, also one (1) member from each of the following committees: Recreation Disability Board, Meadowedge Committee with the designations of Alternate No. 1 and Alternate No. 2 appointed by the Township

Committee. The seven (7) members appointed by the Township Committee should represent a cross-section of the community, if possible. A member of the Township Committee shall be appointed to act as the Liaison between the ADA and the Township Committee. On a yearly basis at the January meeting, the ADA Committee will elect a Chairperson, Secretary, Treasurer and Public Relation Person from the Committee membership.

**§ 1B-13. Terms of office; vacancies; participation of alternates.**

- A. All appointments to the Americans with Disabilities Act Advisory Board shall be for terms of one (1) year, commencing January 1 of the year of appointment and ending on December 31 of the year of appointment. A vacancy on the Board occurring otherwise than by expiration of terms shall be filled for the unexpired term by the Township Committee.
- B. An alternate member may participate in discussion of the proceedings, but may not vote except in the absence or disqualification of a regular member. A vote shall not be delayed in order that a regular member may vote instead of an alternate member. In the event that a choice must be made as to which alternate member is to vote, Alternate No. 1 shall vote first.

**§ 1B-14. Powers and duties.**

The American Disabilities Act Advisory Board shall:

- A. Review the application of the Americans with Disabilities Act to the Township of Barnegat, in its buildings, facilities and programs to ensure that the Township of Barnegat complies with the requirements of the Americans with Disabilities Act.
- B. Make recommendations to the Township Committee concerning the implementation of compliance with the



- C. Make such individual studies and reports as may be requested by the Township Committee.
- D. Make available to the public both printed and visual information regarding the rules and regulations of ADA requirements or supply the public with booklets that explain how to access the assistance they might need for their particular disability. Inclusive in the information may be phone numbers of public agencies, grants, officials with authority to assist with difficulties or by making the American Disabilities Act Advisory Board Committee available to the public on Community Day and Pirates Day or inviting the public to our American Disabilities Act Advisory Board Committee Meeting with their ideas or concerns. Communication may also be furthered by use of the township website. **[Added 10-18-10 by Ord. No. 2010-26]**
- E. Submit to the Township Committee in February a detailed list of proposed expenses so the amount to be allotted for ADA may be included and approved in the current year's budget. **[Added 10-18-10 by Ord. No. 2010-26]**
- F. Monitor construction projects that involve the township properties. **[Added 10-18-10 by Ord. No. 2010-26]**
- G. Present a yearly award to a commercial or professional business establishment for outstanding compliance to ADA regulations. This award shall be presented by the Mayor at a Township Committee meeting. **[Added 10-18-10 by Ord. No. 2010-26]**
- H. Provide (in December) the Township Committee with a list of potential ADA candidates for the following year. **[Added 10-18-10 by Ord. No. 2010-26]**
- I. Improve public relations with the community concerning ADA requirements. **[Added 10-18-10 by Ord. No. 2010-26]**