



Legislation Text

File #: 220190, Version: 1

220190
SUBSTITUTE 1

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A substitute ordinance relating to accessible entrances for buildings pre-dating the Americans with Disabilities Act.

245-4-30 cr

245-4.7 rc

245-13.5 cr

This ordinance creates regulations for accessible entrances to buildings pre-dating adoption of the Americans with Disabilities Act.

Whereas, The federal government enacted the Americans with Disabilities Act of 1990 (ADA) to prevent discrimination against the physically and mentally disabled with respect to employment and access to public facilities; and

Whereas, According to the centers for disease control and prevention, one in four Wisconsinites have disabilities; and

Whereas, Providing accessible entrances to businesses housed in existing buildings pre-dating the ADA to accommodate persons with disabilities promotes equal access for all persons and helps businesses capture revenue dollars spent by customers with disabilities; now, therefore

The Mayor and Common Council of the City of Milwaukee do ordain as follows:

Part 1. Section 245-4-30 of the code is created to read:

245-4. Permissible Projections and Encroachments.

30. Encroachments to create accessible entrances as provided in s. 245-4.7

Part 2. Section 245-4.7 of the code is repealed and recreated to read:

245-4.7. Encroachments to Create Accessible Entrances for Buildings Pre-dating Adoption of the Americans with Disabilities Act.

1. DEFINITION. In this section, “Encroachment” means a ramp, chairlift, or other structure required to create an accessible entrance, as defined by the Americans with Disabilities Act and applicable building codes adopted by the state of Wisconsin, which is placed in the public right-of-way and approved by the commissioner of public works and the commissioner of the department of neighborhood services to serve a building or structure that existed prior to July 26, 1990, the date the Americans with Disabilities Act was adopted.

- 2. GENERAL REGULATIONS.** Every encroachment to create an accessible entrance shall comply with the regulations of this section.
- 3. ACCESSIBLE PATHWAY.** An encroachment shall maintain the required 5-foot width clearance of the accessible pedestrian pathway or turning radius size of curb ramp landings within the public right-of-way.
- 4. PROJECTION.** No encroachment may project into an alleyway.
- 5. UTILITIES AND OTHER EXISTING INFRASTRUCTURE.** The cost of protecting, altering, or changing the location of any city-owned utilities to permit construction of an encroachment shall be paid by the owner of building or structure to be served by the encroachment.
- 6. APPLICATION.** The owner of a property under consideration for construction and installation of an encroachment shall submit plans to the commissioner of public works for review and to obtain permits. The property owner shall also submit plans and obtain permits from the commissioner of the department of neighborhood services, as necessary, for any installation.
- 7. CONDITIONS OF THE PERMIT.** The owner of the encroachment shall:
- a. Become primarily liable for damages to persons or property by reason of the granting of a permit for the encroachment.
 - b. Remove or modify the encroachment whenever the city determines that the public convenience would be enhanced by such removal or modification as provided in s. 115-32-2. The owner shall not be entitled to damages related to the removal or modification.

Part 3. Section 245-13.5 of the code is created to read:

245-13.5. Dumpsters. No dumpster may be placed in the public right-of-way, including any alley, sidewalk, paved roadway, tree border or other unpaved portion of the right-of-way, unless the owner of the property served by the dumpster has obtained a special privilege granted by the common council under s. 245-12. When 2 or more dumpsters serve a particular property, the property owner may apply for a single special privilege for all dumpsters located in the right-of-way. The commissioner of public works is authorized to remove, or to have removed, from the right-of-way any dumpster for which no special privilege has been granted.

APPROVED AS TO FORM

Legislative Reference Bureau
Date: _____

IT IS OUR OPINION THAT THE ORDINANCE
IS LEGAL AND ENFORCEABLE

Office of the City Attorney

Date: _____

LRB177374-2

Alex Highley

7/5/2022