

**Ann Arbor Commission on Disability Issues
Resolution to Provide Recommendations to City Council on
Proposed Changes to Chapter 49 of City Code**

Whereas, At its March 16, 2015 regular meeting, the Ann Arbor City Council voted to amend and return to first reading a proposed ordinance entitled "AN ORDINANCE TO AMEND SECTIONS 4:60 AND 4:61 AND TO DELETE SECTION 4:63 OF CHAPTER 49 (SIDEWALKS) OF TITLE IV OF THE CODE OF THE CITY OF ANN ARBOR;"

Whereas; The purpose of the Ann Arbor Commission on Disability Issues ("Commission") is to:

- a) Promote equal opportunities for individuals with disabilities;
- b) Strive to enable full participation in all aspects of community life for persons with disabilities;
- c) Provide disability-related technical assistance, information, referral and advocacy to City Council personnel, the community, individuals and groups;

Whereas; The Ann Arbor Commission on Disability Issues is authorized to coordinate and provide recommendations to City personnel; citizen commissions, authorities, and committees; and community individuals and groups serving on annually designated programs to respond to identified service needs;

Whereas; The Americans with Disabilities Act (ADA) guarantees that people with disabilities have the same opportunities as everyone else to participate in the mainstream of American life -- to enjoy employment opportunities, to purchase goods and services, and to participate in State and local government programs and services;

Whereas; The ADA Title II Regulations Revised Final Title II Regulation states under Section §35.133 Maintenance of Accessible Features:

(a) A public entity shall maintain in operable working conditions those features of facilities and equipment that are required to be readily accessible to and usable by persons with disabilities by the Act or this part; and

Whereas; The ADA defines "Facility" as all or any portion of buildings, structures, sites, complexes, equipment, rolling stock or other conveyances, roads, walks, passageways, parking lots, or other real or personal property, including the site where the building, property, structure, or equipment is located.

RESOLVED, That the Ann Arbor Commission on Disability Issues adopts the following recommendations to City Council regarding the proposed ordinance and requests that the City Council take into consideration access for all citizens of Ann Arbor. These recommendations reflect the pedestrian safety needs of community members and homeowners with disabilities.

**Recommendations of the Ann Arbor Commission on Disability Issues
Regarding Proposed Amendments to the Snow and Ice Removal
Requirements of Chapter 49**

1. The Commission on Disability Issues believes it is in the best interest of the disability community that sidewalks are consistently cleared of snow and ice in a manner which mandates full access as Section 35.133 (a) of the Revised Final Title II Regulations requires. The Commission believes that the proposed ordinance includes subjective statements that will always lead to non-compliance, thus enabling barriers to access. The Commission believes that the best possible solution for pedestrians with disabilities would be for the City to take over responsibility for the task of removing snow and or ice from sidewalks. Alternatively, the Commission urges the City to clear the streets to the same standards as residents are required to clear the sidewalks. Until that occurs, the Commission recommends language within the proposed ordinance be revised to mandate pedestrian access for the disability community.

2. Section 1, 4:60 (1) addresses the “Removal of snow and ice from sidewalks, walks, and ramps,” for nonresidential areas. The Commission on Disability Issues believes that any snow or ice on the ground can be a barrier for people with disabilities. The Commission recommends that all accumulation of snow and ice be removed and ice be treated using sand, salt and other suitable substance as treatments to facilitate fully accessible pedestrian use. If the wording becomes too ambiguous (“effectively sprinkled”; “in such a manner as to prevent”; “until such time as it can be removed”) then the snow and ice removal becomes inadequate for a person who is blind, a wheelchair user and a person who uses other mobility devices (including, but not limited to, braces, guide dogs, canes and walkers).

3. Section 1, 4:60 (1) states “The owner or occupant of the property shall also remove snow and ice from walks and ramps that are at bus stops...”. The Commission on Disability Issues advises that the areas from the sidewalk to the curb of all the bus stop need also be clear of snow and ice for a person with a disability to cross it safely to get onto the bus. The Commission recommends language in Section 4:60 (1) be revised to state that a path the same width as the adjacent sidewalk be clear for pedestrian access. The Commission further requests clarifying language that “bus stops” do not include “bus shelters”.

4. Section 1, 4:60 (2) addresses the “Removal of snow and ice from sidewalks walks, and ramps,” for residential areas. The Commission on Disability Issues believes that any snow or ice on the ground can be a barrier for people with disabilities. The Commission recommends that all accumulation of snow and ice be removed and ice be treated using sand, salt or other suitable substance as treatments to facilitate fully accessible pedestrian use. The Commission believes that language such as “within 24 hours after the end of each accumulation of snow;” “accumulation of snow of greater than 1 inch and any compacted snow of greater than ½ inch,” is too complicated and subjective to personal opinion to ensure snow removal is adequate for a person who is blind, a wheelchair user and a person who uses other mobility devices (including

but not limited to, braces, guide dogs, canes and walkers). The same goes for Section 1 4:60 (3) where it states “within 18 hours after any ice forms.” The Commission also recommends that the City add more salt and sand pick up locations.

5. Section 1, 4:60 (5) refers to the “accumulation of snow and/or ice from any source.” The Commission on Disability Issues recommends language be added to account for the curb cut build up caused by a city snowplow clearing the street of snow. The pile of hard packed snow that plows leave, particularly at curb cuts, crosswalks, bus stops (of all kinds), and driveways inhibits pedestrian access for all citizens and makes access impossible for people with disabilities that affect mobility. The Commission recommends that the City be responsible for implementing a “square dancing” procedure, or one similar, where smaller plows follow the larger plows to ensure that curb cuts remain clear after a street has been plowed.

6. Section 2, 4:61 addresses the “Issuance of citation and removal by city.” The Commission on Disability Issues believes the statement "reasonably unimpeded passage" in part (3) is too vague and subjective to ensure that snow and ice removal will be adequate for a person who is blind, a wheelchair user and a person who uses other mobility devices (including but not limited to, braces, guide dogs, canes and walkers). The Commission recommends language that will mandate that the entire full constructed width and length of the sidewalk be cleared. An allowance of a couple inches on either side could be made by the staff person issuing a citation.

7. Section 3, 4:62 addresses Financial Hardship. The Commission on Disability Issues recommends a standard definition of proof of financial hardship. Additionally, a scale of payment and fines, based on the government poverty scale for people with low income, should be posted.

8. Disability-Related Hardship: The ordinance fails to mention Disability-Related Hardship as a barrier for residents who are unable to remove the snow and ice from their sidewalks. The Commission recommends that a clause be included that accounts for people with disabilities whose disability-related hardships impedes them from removing the snow themselves. If needed, proof of a disability-related hardship could include, but may not be limited to a doctor’s note, AATA disability card or senior ride card. In such an instance where a citizen can prove both financial and disability related hardships, we recommend the City be responsible for removing the snow and or ice.