

## **ADA Definitions:**

**Accessibility** - Refers to a site, facility, work environment, service, or program that is easy to approach, enter, operate, participate in, and/or use safely and with dignity by a person with a disability.

**Accessible Design** - Refers to the ADA 2010 Standards that sets minimum requirements – both scoping and technical – for newly designed and constructed or altered State and local government facilities, public accommodations, and commercial facilities to be readily accessible to and usable by individuals with disabilities.

**Accessible Route** - Refers to a continuous unobstructed path connecting accessible elements and spaces in a building or within a site that can be negotiated by a person using a wheelchair or other mobility device and that is also safe for and usable by people with other disabilities. Interior accessible routes may include corridors, floors, ramps, elevators, and lifts. Exterior accessible routes may include parking access aisles, curb ramps, walks, ramps, and lifts.

**ADA** - Refers to the original Americans with Disabilities Act of 1990 and all amendments.

**ADA Title I** - Title I is the section of the ADA which covers the employment of people with disabilities. Title I requires employers with 15 or more employees to provide qualified individuals with disabilities an equal opportunity to benefit from the full range of employment-related opportunities available to others. For example, it prohibits discrimination in recruitment, hiring, promotions, training, pay, social activities, and other privileges of employment. It restricts questions that can be asked about an applicant's disability before a job offer is made, and it requires that employers make reasonable accommodation to the known physical or mental limitations of otherwise qualified individuals with disabilities, unless it results in undue hardship.

**ADA Title II** - Title II is the section of the ADA which covers the access to and participation in state and local government benefits, activities, and services by people with disabilities. It covers all activities of State and local governments regardless of the government entity's size or receipt of Federal funding. Title II requires that State and local governments give people with disabilities an equal opportunity to benefit from all of their programs, services, and activities (e.g. public education, employment, transportation, recreation, health care, social services, courts, voting, and town meetings). Title II extends the prohibition on discrimination established by section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. 794 (section 504), to all activities of State and local governments regardless of whether these entities receive Federal financial assistance. 42 U.S.C. 12131–65.

**ADA Title III** - Title III is the section of the ADA which prohibits discrimination on the basis of disability in the activities of places of public accommodation (businesses that are generally open to the public and that fall into one of 12 categories listed in the ADA - places of lodging, food and drink establishments, place of exhibition or entertainment, places of public gathering, sales or rental establishments, service establishments, public transportation terminals, depots or stations, places of public display or collection, places of recreation, places of education, social service center establishments) and requires newly constructed or

altered places of public accommodation—as well as commercial facilities (privately owned, nonresidential facilities such as factories, warehouses, or office buildings)—to comply with the ADA Standards. 42 U.S.C. 12181–89.

**Note:** Although Title III of the ADA addresses public accommodations, it can address private accommodations as in the case of passenger vessels. For example, a vessel operator whose vessel departs from Point A, takes passengers on a recreational trip, and returns passengers to Point A without ever providing for disembarkation at a Point B (e.g., a dinner or harbor cruise, a fishing charter) is a public accommodation operated by a private entity not primarily engaged in the business of transporting people. This regulation covers those aspects of the vessel's operation relating to the use and enjoyment of the public accommodation, including, for example, the boarding process, safety policies, accessible routes on the vessel, and the provision of effective communication.”

**Disability** - A person is considered to be an individual with a disability covered by the ADA, as amended, when he or she has a physical or mental impairment which substantially limits one or more major life activities; has a record of having such an impairment; and/or is regarded as having such an impairment.

**Effective Communication** - The ADA requires that title II entities (State and local governments) and title III entities (businesses and nonprofit organizations that serve the public) communicate effectively with people who have communication disabilities. For example, people who are blind may give and receive information audibly rather than in writing and people who are deaf may give and receive information through writing or sign language rather than through speech. The goal is to ensure that communication with people with these disabilities is equally effective as communication with people without disabilities. (Braille, contrast, sign language, screen reader compatible materials, etc.)

**Universal Design (UD)** - is the design and composition of an environment so that it can be accessed, understood and used to the greatest extent possible by all people regardless of their age, size, ability or disability and without the need for adaptation or specialized design. An environment (or any building, product, or service in that environment) should be designed to meet the needs of all people who wish to use it.

## **Additional ADA Areas to Address:**

Article III: General Provisions

Section 3.7 Signs

### **G. Addition**

**The ADA Effective Communications Standards requires that Title II entities (State and local governments) and Title III entities (businesses and nonprofit organizations that serve the public) communicate effectively with people who have communication disabilities. The goal is to ensure that communication with people with these disabilities is equally effective as communication with people without disabilities.**

Section 3.14 Bed & Breakfasts

Bed and Breakfast establishments shall be allowed as a Special Land Conditional Use in all land use districts providing they comply with the following for their guests:

**As Bed & Breakfasts are a place of public accommodation, Title III of the Americans with Disabilities Act applies to these facilities and services as well as the Standards for Accessible Design, and Standards for Effective Communication.**

- A. One off-street parking space for each bedroom.
- B. Two exits from within the structure.
- C. One working smoke detector in each bedroom and on each floor of the establishment.
- D. One identification sign shall be permitted and shall conform to section 5.3B.
- E. A register of guests shall be maintained by the bed and breakfast establishment.
- F. A floor plan of the dwelling shall be submitted to the Zoning Administrator prior to issuance of the Land Use Permit.

Article V: Residential District

**Consider how the Fair Housing Act applies to the Zoning Ordinances.**

The Fair Housing Act makes it unlawful to refuse to make “reasonable accommodations” to rules, policies, practices, or services, when such accommodations may be necessary to afford persons with disabilities an equal opportunity to use and enjoy a dwelling. A “reasonable accommodation” is a change, exception, or adjustment to a rule, policy, practice, or service that may be necessary for a person with a disability to have an equal opportunity to use and enjoy a dwelling, including public and common use spaces. Since rules, policies, practices, and services may have a different effect on persons with disabilities than on other persons, treating persons with disabilities exactly the same as others may sometimes deny them an equal opportunity to use and enjoy a dwelling.

In addition, the Fair Housing Act prohibits a housing provider from refusing to permit “reasonable modifications” of existing premises occupied or to be occupied by such person if such modifications may be necessary to afford such person full enjoyment of the premises. The requirement to provide reasonable accommodations and modifications applies to, but is not limited to individuals, corporations, associations and others involved in the provision of housing or residential lending, including property owners, housing managers, homeowners and condominium associations, lenders, real estate agents, and brokerage services. This also applies to state and local governments, including in the context of exclusionary zoning or other land-use decisions.

Article VI: Commercial Resort District

Section 6.2 Uses Permitted By Special Approval:

**As the accommodations listed in B and C below are a place of public accommodation, Title III of the Americans with Disabilities Act applies to these facilities and services as well as the Standards for Accessible Design, and Standards for Effective Communication.**

- A. Mobile Home Parks consisting of facilities for the owner/operator, accessory buildings, and permanent or semi-permanent placement of mobile homes for year-around type residents.
- B. Rental cottages with or without housekeeping facilities in groups of two (2) or more, each cottage being a single family dwelling.
- C. Inns, lodges, hotels, motels, campgrounds, and RV parks.
- D. Trailer park
- E. Churches and religious institutions

Article VII: Resort District

Section 7.2 Uses Permitted by Special Approval

**As the accommodations listed in A-C below are a place of public accommodation, Title III of the Americans with Disabilities Act applies to these facilities and services as well as the Standards for Accessible Design, and Standards for Effective Communication.**

- A. Clubs with or without lodging and/or dining facilities, summer camps and schools, whether non-profit or operated for profit, but not including trailer parks for use of transient or seasonal guests with trailer homes.
- B. Outdoor recreational facilities, such as, but not limited to, golf courses, ski slopes and lifts, and commercial stables.
- C. Campgrounds
- D. Trailer park
- E. Mobile home park
- F. Churches and religious institutions

Article VIII: Business District

**As commercial, utility and utility uses are a place of public accommodation, Title III of the Americans with Disabilities Act applies to these facilities and services as well as the Standards for Accessible Design, and Standards for Effective Communication.**

- A. Uses Permitted By Special Approval:
  - 1. Commercial, municipal and utility uses
  - 2. Churches and religious institutions

First floors may only be occupied by business uses. Residential uses are allowed when occupying the second floor or above.

Article IX: Agricultural District

Section 9.3 Roadside Stands

Roadside Stands shall be permitted only for the selling of farm products and these may be located along the highway right-of-way even where the same is not zoned Agricultural, providing this location is part of the farm which produces the farm products.

**As a place of public accommodation, Title III of the Americans with Disabilities Act applies to these facilities and services as well as the Standards for Accessible Design, and Standards for Effective Communication.**

Section 9.6 Wineries, Meaderies, Distilleries and Cideries

This section recognizes that wineries, meaderies, distilleries and cideries meeting the provisions below are appropriate farm activities, encourage crop diversification and provide economic alternatives to township farmers. Wineries, meaderies, distilleries and cideries are permitted provided:

1. The facility is licensed by the U.S. Treasury, Bureau of Alcohol, Tobacco and Firearms, and the Michigan Liquor Control Commission, and is in compliance with the regulations of the Michigan Department of Agriculture and Rural Development, and the Michigan Department of Natural Resources.
2. **The facility and site design, structures and amenities, pathways and connectors, service plans, employment practices, communications, signage, lighting, private or public passenger vessels, parking, etc. adhere to the ADA and have been reviewed and approved by a qualified professional.**

(The Disability Network of Northern Michigan shall be the approval body.  
<https://www.disabilitynetwork.org/absolutely-accessible-michigan>)

Article X: Governmental District

Section 10.1 Established Uses Any and all institutions, parks, picnic grounds, public lookouts, public campgrounds, forest preserves, wildlife reservations, public recreation areas and other public lands, grounds or areas under the control of Governmental authorities other than the Township of Centerville, County of Leelanau, shall so remain and shall not be part of This Ordinance.

**As the Governmental District, Title I & II of the Americans with Disabilities Act applies to these facilities and services as well as the Standards for Accessible Design, and Standards for Effective Communication.**

Article XVI: Administration

Section 16.9 Public Notification

~~B.5 Handicap access: Information concerning how handicap access will be accommodated if the meeting facility is not handicap accessible.~~

**The public hearing will be held at a facility that is accessible for people with disabilities, and incorporates effective communication strategies including but not limited to sign language interpreter, large print materials, screen reader compatible materials, etc. Promotional material should state what access needs have been addressed (i.e. ASL interpretation, wheelchair access, etc) and ask people to write or call to inquire about specific accessibility concerns.**

Resource: <https://www.sinsinvalid.org/news-1/2020/6/8/access-suggestions-for-public-events>

Article XVIII: Zoning Board of Appeals

18.5 Public Meetings

**The public hearing will be held at a facility that is accessible for people with disabilities, and incorporates effective communication strategies including but not limited to sign language interpreter, large print materials, screen reader compatible materials, etc. Promotional material should state what access needs have been addressed (i.e. ASL interpretation, wheelchair access, etc) and ask people to write or call to inquire about specific accessibility concerns.**

Resource: <https://www.sinsinvalid.org/news-1/2020/6/8/access-suggestions-for-public-events>