

# CHAPTER 157: CITY ACCESSIBILITY CODE

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## § 157.01 SHORT TITLE.

This chapter shall be known and may be cited as the Lockport Accessibility Code.

(Ord. 05-523, passed 9-28-05)

## § 157.02 ADOPTION OF THE ILLINOIS ACCESSIBILITY CODE.

The city hereby adopts the Illinois Accessibility Code (71 Ill. Admin. 400 *et seq.*) by reference, including all appendices thereto. All references therein to the state shall be construed to mean the city and all references therein to the Illinois Attorney General shall be construed to mean the Corporation Counsel unless the context clearly suggests otherwise. Section 400.110 (b), Sections 400.140 (a)(4) and (a) (5) and Section 400.150 of the code are not adopted. Amendments to the Illinois Accessibility Code promulgated by an authorized agency of the state shall be deemed incorporated herein by reference without further action of the Mayor and City Council on the date such amendments take effect.

(Ord. 05-523, passed 9-28-05)

## § 157.03 ADOPTION OF THE AMERICANS WITH DISABILITIES ACT ACCESSIBILITY GUIDELINES.

The city hereby adopts by reference the Americans with Disabilities Act Accessibility Guidelines (Appendix A to 28 CFR Part 36) and the requirements for removal of barriers and alternatives to barrier removal contained at 28 CFR 36.304-305, as amended. All references in the guidelines to the United States or a state thereof shall be construed to mean the city, all references to the Attorney General shall be construed to mean the Corporation Counsel and all references to the Department or the Secretary shall be construed to mean the City Administrator unless the context clearly suggests otherwise. Amendments to the Americans with Disabilities Act Accessibility Guidelines promulgated by an authorized agency of the United States shall be deemed incorporated herein by reference without further action of the Mayor and City Council on the date such amendments take effect.

(Ord. 05-523, passed 9-28-05)

## **§ 157.04 CITY CLERK TO KEEP AND MAINTAIN COPIES OF ACCESSIBILITY STANDARDS.**

The City Clerk shall keep and maintain a current copy of the Illinois Accessibility Code, the Americans with Disabilities Act accessibility guidelines.

(Ord. 05-523, passed 9-28-05)

## **§ 157.05 PUBLIC FACILITIES.**

(A) A public facility shall mean:

(1) Any **building**, structure or site improvement which is: owned by or on behalf of a governmental unit, leased, rented, or used, in whole or in part, by a governmental unit, or financed, in whole or in part, by a grant or a loan made or guaranteed by a governmental unit; or

(2) Any **building**, structure or site improvement used or held out for use or intended for use by the public or by employees for one or more of, but not limited to, the following: the purpose of gathering, recreation, transient lodging, education, employment, institutional care, or the purchase, rental, sale or acquisition of any goods, personal property or services; places or public display or collection; social service establishments; and stations used for public transportation.

(B) All public facilities constructed or altered after May 1, 1988 shall comply with the Illinois Accessibility Code unless specifically exempted therein.

(Ord. 05-523, passed 9-28-05)

## **§ 157.06 PUBLIC ACCOMMODATIONS.**

(A) A public accommodation shall mean:

(1) An inn, hotel, motel, or other place of lodging, except for an establishment located within a **building** that contains not more than five rooms for rent or hire and that is actually occupied by the proprietor of such establishment as the residence of such proprietor;

(2) A restaurant, bar or other establishment serving food or drink;

(3) A motion picture house, theatre, concert hall, stadium or other place of exhibition or entertainment;

(4) An auditorium, convention center, lecture hall, or other place of public gathering;

(5) A bakery, grocery store, clothing store, hardware store, shopping center or other sales or rental establishment;

(6) A laundromat, dry-cleaner, bank, barber shop, beauty shop, travel service, shoe repair service, funeral parlor, gas station, office of an accountant or lawyer, pharmacy, insurance office, professional office of a health care provider, hospital or other service establishment;

- (7) A terminal, depot or other station used for public transportation;
- (8) A museum, library, gallery or other place of public display or collection;
- (9) A park, zoo, amusement park or other place of recreation;
- (10) A nursery, elementary, secondary, undergraduate, or postgraduate private school or other place of education;
- (11) A day care center, senior citizen center, homeless shelter, food bank, adoption agency or other social service center establishment; and
- (12) A gymnasium, health spa, bowling alley, golf course or other place of exercise or recreation.

(B) All public accommodations constructed for first occupancy after January 26, 1993, or altered after January 26, 1992, shall comply with the Americans with Disabilities Act accessibility guidelines unless specifically exempted by law or regulation.

(Ord. 05-523, passed 9-28-05)

## **§ 157.07 COMMERCIAL FACILITIES.**

(A) A commercial facility shall mean all or any portion of a **building**, structure, site improvement, complex, equipment, road, walk, passageway, parking lot, or other real or personal property located on a site intended for non residential use whose operations will affect commerce. A commercial facility does not include any facility that is expressly exempted from coverage under the Fair Housing Act of 1968 (42 USC 3601 *et seq.*).

(B) All commercial facilities constructed for first occupancy after January 26, 1993, or altered after January 26, 1992, shall comply with the Americans with Disabilities Act accessibility guidelines unless specifically exempted by law or regulation.

(Ord. 05-523, passed 9-28-05)

## **§ 157.08 REMOVAL OF ARCHITECTURAL BARRIERS IF READILY ACHIEVABLE.**

(A) It shall be a violation of this chapter to fail to remove architectural barriers, and communication barriers that are structural in nature, in any commercial facility or public accommodation, where such removal is readily achievable. The phrase "readily achievable" shall have the meaning set forth under the Americans with Disabilities Act of 1990 (42 U.S.C. 12182), as amended.

(B) Where an entity can demonstrate that the removal of a barrier under division (A) is not readily achievable, the entity shall nonetheless be required to make existing facilities available through alternative methods if such methods are readily achievable.

(Ord. 05-523, passed 9-28-05)

## **§ 157.09 GENERAL ENFORCEMENT.**

The City Administrator is authorized to take such action as may be necessary to enforce this chapter.

(Ord. 05-523, passed 9-28-05)

## **§ 157.10 FINES.**

In addition to any other remedy provided herein or under law, each violation of the City

Accessibility Code shall be punishable in accordance with § [10.99](#). Each day of violation shall constitute a separate offense.

(Ord. 05-523, passed 9-28-05)

## **§ 157.11 COMPLIANCE TICKETS.**

In addition to any other remedy provided herein or under law, any person accused of violating the City Accessibility Code may be issued an Administrative Ticket in accordance with [Chapter 38](#) of the Code of Ordinances.

(Ord. 05-523, passed 9-28-05)

## **§ 157.12 LICENSES AND PERMITS.**

In addition to any other remedy provided herein or under law, the City Administrator, upon providing notice and an opportunity to be heard, may refuse to issue, condition, suspend, or revoke any license or permit provided for by ordinance. Only the Liquor Commissioner shall be authorized to take such action with respect to a liquor license or liquor permit.

(Ord. 05-523, passed 9-28-05)

## **§ 157.13 INJUNCTIVE RELIEF.**

In addition to any other remedy provided herein or under law, this chapter may be enforced by any appropriate action in equity, including but not limited to, an action for injunctive relief. It shall not be necessary to demonstrate inadequate remedy at law or irreparable harm in order to obtain injunctive relief.

(Ord. 05-523, passed 9-28-05)

## **§ 157.14 COMPLIANCE AGREEMENTS.**

In lieu of or in addition to any penalty or procedure authorized herein or by law, the City Administrator and any person accused of violating the City Accessibility Code may enter into a written agreement providing for the proper and timely abatement of violations. An administrative ticket may include a description of the specific action that will be taken to abate violations or to provide greater accessibility, an administrative timetable, a requirement for performance security, notice procedures and reporting requirements, liquidated penalties and other items reasonably related to the proper and timely abatement of violations. An administrative agreement shall constitute a written contract between the city and the owner which may be enforced by any appropriate action at law or in equity, including an action for specific performance or injunctive relief. An administrative agreement shall run with the land and may be recorded. The violation of an administrative agreement shall constitute a separate violation of the City Accessibility Code. An administrative agreement shall not relieve any person from the continuing obligation to comply with the City Accessibility Code or any other law or regulation pertaining to accessibility.

(Ord. 05-523, passed 9-28-05)

## **§ 157.15 ADMINISTRATIVE ADVISORY PANEL.**

(A) An Administrative Advisory Panel is hereby created to assist in the enforcement of the Lockport Accessibility Code. The Panel shall consist of seven members. Members of the Committee shall serve an annual term and may be reappointed. The seven members shall be appointed by the Mayor with the advice and consent of the City Council. The members of the panel shall consist of the following:

- (1) Two members of the City Council.
- (2) One member of the Will-Grundy Center for Independent Living or Accessible City's Alliance.
- (3) Two members shall be physically challenged residents and/or employees of the city.
- (4) One member shall be a person who owns and operates a business within the Historic District of the city.
- (5) One member shall be a person who owns and operates a business outside the Historic District of the city.

(B) The Panel shall review requests for Administrative Agreements and provide advice and counsel to the City Administrator regarding the terms and conditions thereof final administrative decisions regarding the enforcement of this chapter shall be made by the City Administrator.

(Ord. 05-523, passed 9-28-05)

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