

**CITY OF SHEBOYGAN
ORDINANCE 10-25-26**

BY ALDERPERSONS MITCHELL AND PERRELLA.

JULY 14, 2025.

AN ORDINANCE creating section 2-3 of the Sheboygan Municipal Code so as to establish a Nondiscrimination ordinance.

THE COMMON COUNCIL OF THE CITY OF SHEBOYGAN DO ORDAIN AS FOLLOWS:

SECTION 1: **ADOPTION** “Sec 2-3 Nondiscrimination” of the Sheboygan Municipal Code is hereby *added* as follows:

A D O P T I O N

Sec 2-3 Nondiscrimination(*Added*)

(a) Nondiscrimination Based on Disability in City Facilities and City-Assisted Programs and Activities.

- (1) Policy.** It is the policy of the City of Sheboygan that no qualified person with a disability shall, on the basis of such disability, be excluded from participation in or be denied the benefits of any program or activity receiving financial assistance from or being operated by the City of Sheboygan. It is the intention of the City of Sheboygan to impose upon City facilities and upon recipients of City financial assistance, nondiscrimination requirements that are consistent with the applicable nondiscrimination requirements imposed upon the City by the Americans With Disabilities Act ("ADA") of 1990, ADA Amendments Act of 2008, and Rehabilitation Act of 1973, and other applicable federal laws, and by applicable state regulations including Wis. Stat. §§ 106.50, 106.52, and 111.31, and any successor provisions of state and federal law.
- (2) Definitions.** The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

City facilities means all property owned or leased by the City, all operations of City departments and divisions, and all services rendered by the City for the welfare of its inhabitants, except that it does not include City employment.

City financial assistance means any grant, cooperative agreement, loan, contract (other than a public works contract, a supply procurement contract, a

contract of insurance or guaranty or a collective bargaining agreement) or any other arrangement by which the City provides or otherwise makes available assistance in the form of City funds and/or personnel services.

Disability means, with respect to a person, a physical or mental impairment which substantially limits one or more of the person's major life activities, a record of impairment, or being perceived as having an impairment.

Grantee means any public or private agency, institution, organization, or other entity or any person to which financial assistance is extended directly or indirectly by the City.

Protected person means any individual intended to be protected from violations of prohibited discrimination under this section.

Public place of accommodation or amusement shall be defined as set forth in Wis. Stat. § 106.52.

Qualified person with a disability means an individual with a disability who, with or without reasonable modifications to rules, policies, or practices, the removal of architectural, communication, or transportation barriers, or the provision of auxiliary aids and services, meets the essential eligibility requirements for the receipt of services or the participation in programs or activities provided by a public entity.

(3) Prohibitions.

- a. No qualified person with a disability shall be denied the benefits of, be excluded from participation in, or be otherwise discriminated against by any program or activity receiving financial assistance or operated by the City, solely because of disability.
- b. No qualified person with a disability shall be subject to discrimination in employment by the City or any Grantee solely on the basis of disability.
- c. Grantees shall not participate in contractual or other relationships that have the effect of subjecting qualified disabled applicants or employees to discrimination.

(4) Designation of ADA Coordinator. The following positions shall serve as the City's ADA Coordinators. Individuals holding such positions shall possess demonstrated experience in the promotion of civil rights and equal opportunities for all persons; shall perform duties and exercise authority in accordance with City ordinances and State and Federal statutes; and shall coordinate the City's efforts to comply with anti-discrimination regulations with the appropriate City personnel. Individuals holding such positions shall confer with the City's human resources department, legal counsel, and/or the City Administrator in the execution of their duties.

- a. The City Clerk shall serve as ADA Coordinator for public meetings

- and hearings.
- b. The Facilities Director shall serve as ADA Coordinator for all City buildings.
- c. The Transit Director shall serve as ADA Coordinator for Sheboygan Metro Transit.
- d. The Library Director shall serve as ADA Coordinator for Mead Public Library.
- e. The Human Resources Director shall serve as ADA Coordinator for employment.
- f. In all other cases, the City Administrator and/or City Attorney shall serve as ADA Coordinator.

(5) Grievance Procedures.

- a. Complaint. Any person who believes that they have been discriminated against in violation of this ordinance may file a complaint with the appropriate ADA Coordinator as set forth in this section. Alternatively, such complaint may be filed with the City Administrator or City Attorney. The complaint should be submitted by the grievant and/or his/her designee as soon as possible following the alleged violation but no later than sixty (60) calendar days after the alleged violation. The complaint shall be in writing and provide as much information as possible about the alleged discrimination including, but not limited to, the name, address, and contact information of the complainant, the location, date and description of the problem, and any relevant facts or witnesses. Upon the complainant providing notice to the ADA Coordinator, alternative means of filing a complaint will be made available to individuals with disabilities who require such an alternative.
- b. Investigation. The ADA Coordinator will timely review the grievance and investigate or cause to be investigated the claims made in the grievance. Such investigation may involve obtaining additional information from the complainant and other identified witnesses. After the investigation, the ADA Coordinator will provide written notice to the complainant detailing the outcome of the grievance, explaining the findings and any actions taken as a result.
- c. Appeals. If the complainant or designees believe that the response by the ADA Coordinator or designee does not satisfactorily resolve the issue, the complainant or designee may appeal the decision to the City Administrator or his designee, within fifteen (15) calendar days after receipt of the decisions.
- d. Retention of grievance. All written complaints made under this policy, appeals of the same, and responses from the City, will be retained by the City of Sheboygan for a period of three (3) years.

SECTION 2: REPEALER CLAUSE All ordinances or resolutions or parts thereof in conflict with the provisions of this ordinance are hereby repealed to the extent of the conflict.

SECTION 3: EFFECTIVE DATE This Ordinance shall be in effect from and after its passage and publication according to law.

PASSED AND ADOPTED BY THE CITY OF SHEBOYGAN COMMON COUNCIL

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Presiding Officer

Attest

Ryan Sorenson, Mayor, City of
Sheboygan

Meredith DeBruin, City Clerk, City of
Sheboygan