

AMENDED

ORDINANCE 2012-17

AN ORDINANCE ADOPTING THE RUSH COUNTY POLICY FOR
USE OF MOBILE DEVICES


WHEREAS, the Federal government enacted the Americans with Disabilities Act of 1990 (ADA) to prevent discrimination of the physically and mentally disabled related to employment and access to public facilities and services; and

WHEREAS, Rush County desires to be compliant with the ADA, including adopting a policy for the use of mobile devices for employees and other persons wishing to access and use the County's facilities.

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of Rush County, Indiana:

1. The attached Rush County Policy for Use of Mobile Devices is hereby adopted and implemented.
2. This Ordinance is effective upon adoption.


Adopted this 11th day of July, 2016.



Bruce W. Levi

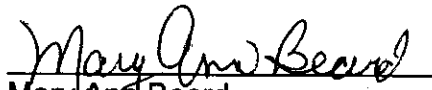


Mark Bacon



Paul Wilkinson

ATTEST:



Mary Ann Beard,
Rush County Auditor

Rush County Policy for Use of Mobile Devices

In accordance with the Americans with Disabilities Amendments Act and subsequent regulations, it is the policy of RUSH COUNTY that mobility devices used by individuals with disabilities are generally permitted in all facilities and programs, as described below.

Definitions:

- "Wheelchair" is defined as "a manually-operated or power-driven device designed primarily for use by an individual with a mobility disability for the main purpose of indoor or of both indoor and outdoor locomotion." This definition includes mobility scooters.
- A "mobility disability" includes a wide range of disabilities, including circulatory and respiratory disabilities that make walking difficult or impossible.
- An "Other Power-Driven Mobility Device (OPDMD)" is defined as any mobility device powered by batteries, fuel, or other engines - whether or not designed primarily for use by individuals with mobility disabilities - that is used by individuals with mobility disabilities for the purpose of locomotion. Included in the OPDMD category are: golf carts, electronic personal assistance mobility devices (e.g. Segway® PT) and any mobility device designed to operate in areas without defined pedestrian routes, but that is not a wheelchair.

Use of Wheelchairs and OPDMDs:

RUSH COUNTY will make reasonable modifications to permit individuals with mobility disabilities to use OPDMDs as long as operation of the mobility device is in accordance with legitimate safety requirements, including operation at a safe speed limit, and care in observation of pedestrians. RUSH COUNTY prohibits the use of fuel driven engines inside our buildings, as fumes have been deemed a direct threat to others. RUSH COUNTY is not responsible for the storage of these devices.

As needed and on an individual basis, the COUNTY will determine additional appropriate use of OPDMD's based upon assessment factors: what the DOJ regulations allow, and the Department has considered the following factors:

1. The type, size, weight, dimensions and speed of the device;
2. The individual facility's volume of pedestrian traffic; which may vary at different times of the day, week, month, or year)
3. The facility's design and operational characteristics;
4. Whether legitimate safety requirements can be established to permit the safe operation of the OPDMD at the individual facility;



5. Whether the use of the other power-driven mobility device creates a substantial risk of serious harm to the immediate environment or natural or cultural resources.

Those persons with mobility disabilities may contact the **RUSH COUNTY ADA COORDINATOR** about use of devices that are currently prohibited within COUNTY buildings/facilities. (e.g., motorized OPDMDs) but may provide you with better access in a safe manner.

Requests for Accommodations:

Visitors:

Visitors using wheelchairs and Other Power Driven Mobility Devices are welcome in all areas of the COUNTY that are open to the public. Specific questions related to the use of these devices can be directed to the ADA Coordinator.

Employees:

Employees requesting reasonable accommodations, including the use of Other Power Driven Mobility Devices should contact the ADA Coordinator.

The contact information for the RUSH COUNTY ADA Coordinator is listed below:

Jerry Sitton
Section 504 Coordinator
Rush County Highway Department
1352 E. State Road 44
Rushville, IN 46173
Phone: (765) 932-2926
E-mail: highway@rushcounty.in.gov

