

CHAPTER 7.1

THE DISABLED AND HANDICAPPED*

Art. I. Definition, §§ 7.1-1

Art. II. Organization, §§ 7.1-2 --- 7.1-10

Art. III. Discrimination, §§ 7.1-11 --- 7.1-20

ARTICLE I. DEFINITION.

Section 7.1-1. Definitions.

(1) The basic definition, for the purpose of the law [The law being “The American with Disabilities Act”(ADA), Public Law 101-336] has three (3) parts. A *disability* is:

- (a) A physical or mental impairment that substantially limits one (1) or more major life activities.
- (b) A record of such impairment.
- (c) Being regarded as having such an impairment.

(2) A *physical or mental impairment* means:

Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one (1) or more of the following systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genito-urinary; hemic and lymphatic; skin; and endocrine; or

(3) Any mental and/or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.

***Editor’s Note** --- Ordinance No. 1208-1993, Art. I, §1 through Art. III, §3-3, adopted June 22, 1993, did not specify the manner of codification, but was included herein as Ch. 7.1, §§ 7.1-1 --- 7.1-20, at the editor’s discretion.

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Source: Ordinance No. 1208-1993, §§ I--I-3, 6-22-93

ARTICLE II. ORGANIZATION

Section 7.1-2. Commission Organized and Established.

(1) That a “**Commission for Persons with Disabilities**” is hereby organized and established to:

- (a) To review and monitor the proper application of the ADA for the City of Laurel.
- (b) To determine problems, as they relate to persons with disabilities, and the applications and enforcement of provisions of the ADA.
- (c) And to offer the Mayor and City Council recommendations and solutions to problems.
- (d) To receive complaints and to act as Review Board for internal problems dealing with persons with disabilities.

Source: Ordinance No. 1208-1993, §2-1, 6-22-93

Section 7.1-3. Nomination of Members---Terms.

The Commission shall consist of ten (10) members, one (1) from each of the seven (7) Wards. They shall be nominated by the Mayor and confirmed by the Council. Three (3) of the members, not from the Wards, shall be appointed one (1) from the medical field, one (1) from the business community, and one (1) from the County to represent the County. Members shall serve overlapping terms, in the following manner:

- Two (2) members for a one (1) year term.
- Two (2) members for a two (2) year term.
- Three (3) members for a three (3) year term.
- Three (3) members for a four (4) year term.

At the first meeting of all members, each member shall draw a number for the term they shall serve, thereafter their replacement shall be governed by the date of their expiration, and serve a four (4) year term. Members may be

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reconsidered for additional terms if the governing authorities so desire.

Source: Ordinance No. 1246-1994, §2-2, 10-18-94

Section 7.1-4. Election of Chairperson and Other Officers.

The Commission at its first meeting with all members shall elect from its membership, a Chairperson and Vice Chairperson, and a Secretary, and other officers it deems needed.

Source: Ordinance No. 1208-1993, §2-3, 6-22-93

Section 7.1-5. Minutes; Responsibilities of Secretary.

All Minutes of the Commission shall be public records, and the secretary of the Commission shall keep all records and perform such additional duties as the Commission shall deem proper.

Source: Ordinance No. 1208-1993, §2-4, 6-22-93

Section 7.1-6. Compensation.

Members of the Commission shall serve on a voluntary basis and shall not be entitled to compensation. However, if trips outside the City are required, they may be allowed normal statutory travel expense, after prior approval by the Council.

Source: Ordinance No. 1208-1993, §2-5, 6-22-93

Section 7.1-7. Commission to Establish its Own Rules of Procedures.

The Commission of “Persons with Disabilities”, shall establish its own rules of procedures for accomplishment of its duties and functions, provided that such rules adequately protect the substantive rights of interested parties, meet appropriate due process standards, and assure that the Commission complies with all local, State, and Federal laws, rules and regulations. The Commission shall meet as often as deemed necessary.

Source: Ordinance No. 1208-1993, §2-6, 6-22-93

Section 7.1-8. City to Provide Suitable Accommodations for Commission.

The City shall provide the Commission with suitable and convenient room

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and accommodations to conduct its meetings and with all supplies and equipment necessary to carry on the business of the Commission. Said expenditures must be budgeted and approved by the Council.

Source: Ordinance No. 1208-1993, §2-7, 6-22-93

Sections 7.1-9---7.1-10. Reserved.

ARTICLE III. DISCRIMINATION

Section 7.1-11. Filing of Complaints.

That it being the public policy of the City of Laurel that no otherwise qualified disabled individual be excluded from the participation in, or be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance, the City of Laurel does, in furtherance of said policy, hereby designate the Manager of Human Resources and/or his/her designee of the City to be Coordinator of the Commission and to receive any Complaint alleging violation of the aforesaid policy. Complaint should be filed in writing and shall contain the name, address, and telephone number of the person and/or persons filing the Complaint, and a brief description of the alleged violation, and should be submitted to the Manager of Human Resources and/or his/her designee, Laurel City Hall, Laurel MS 39440. Complaints shall be filed within sixty (60) days after the Complainant becomes aware of the alleged violation. Upon receipt of said Complaint, it is the duty of the Manager of Human Resources and/or his/her designee to submit the Complaint to the Commission. The Commission shall conduct a thorough investigation, affording all interested persons and their representatives, if any, an opportunity to submit evidence relevant to the Complaint. It shall be the duty of the Commission to provide a written determination as to the validity of the Complaint, and a description of the solution, if any, shall be issued by the Commission and a copy forwarded to the Complainant no later than forty five (45) days after its filing.

Source: Ordinance No. 1208-1993, §3-1, 6-22-93

Section 7.1-12. Appeal.

In the event that the Complainant is dissatisfied with the determination and/or solution, the Complainant may request the Commission to reconsider this case within thirty (30) days, and/or request a direct appeal to the Laurel City Council. It is thereupon the duty of the Manager of Human Resources and/or his/her designee to forward a copy of the Complaint, the determination and/or

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description of the solution, and any other applicable documents to the City Council for review. The City Council shall then make a determination of said Complaint based on the facts in the case, and the appropriate local, State, and Federal laws, rules and regulations.

Source: Ordinance No. 1208-1993, §3-2, 6-22-93

Section 7.1-13. Other Remedies.

The right of Complainant to a prompt and equitable solution to any complaint filed hereunder shall not be impaired by that person's pursuit of other remedies, rights and/or legal redress, such as the filing of a legal complaint with any other local, State and/or Federal Agency. Likewise, utilization of this grievance procedure is not a prerequisite to the pursuit of any other remedies. All other ordinances and/or resolutions in conflict therewith, shall be and the same are hereby repealed. Whenever any portion of this Ordinance shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such holding shall not affect any portion of this Ordinance which is not in and of itself invalid or unconstitutional.

Source: Ordinance No. 1208-1993, §3-3, 6-22-93

Sections 7.1-14---7.1-20. Reserved.

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