

United States District Court
Central District of Illinois

Plaintiff)
)
Roger Wade Sparks)
)
vs.)
)
City of Peoria)
)
A Corporate Municipality)

FILED

MAY - 8 2009

PAMELA E. ROBINSON, CLERK
U.S. DISTRICT COURT
CENTRAL DISTRICT OF ILLINOIS

09-1159

COMPLAINT

The City of Peoria refuses to comply with the Environmental Barrier Act, the Illinois Accessibility Code, or the American with Disabilities Act within Peoria City Hall and other building where City services offices are located.

At the main entrance of City Hall there is no directional signage to indicate the route to the nearest accessible entrance, as it took me several months to find the accessible entrance on my own.

The City of Peoria had denied me access to the only men's accessible restroom after hours as it is locked with a combination lock, while the women's accessible restroom not more than twenty feet away has no lock at all. To get access to this first floor restroom I have had to take my complaint to the Peoria City Council under public comment at City Council meeting in Oct. 2008 to finally get the code to the only men's accessible restroom within the building.

The City of Peoria has most of the public services counters above the 28 to 34 inch height.

I have attended most of the Peoria City Council meetings in the last three years in room 400. There is no clear area for my walker or wheelchair

provided at these meetings. Doors within City Hall do not have the required hardware for persons in a wheelchair. When more than one person in a wheelchair attends the City council meeting people have to climb over us to get to the council floor.

The City of Peoria does not comply with ramp transitions to walks, gutters, or streets, as most curb cuts within the City of Peoria are not flush and free of abrupt changes. Sections of sidewalks within the City of Peoria have height differences of ½ inch or more. Others sidewalks are left to deteriorate and cannot be use by a person in a wheelchair. I have had to exit a bus on a sidewalk only to enter the street in front of the bus using a traffic lane to get to the intersection and cross the street as some curb cuts are blocked by obstacles. I have had to drive my wheelchair down lanes of traffic, as there are no sidewalks in some areas of Peoria. Several intersections within the City of Peoria have raised islands with no cut through level with the street or have curb ramps at both sides.

During winter months the City of Peoria plows in bus stops and curb cuts making them inaccessible to myself. The City of Peoria does not require sidewalks to be cleared.

The City of Peoria has revised Chapter 17 of its code, Article II Fair Employment and Housing with ordinance No. 15,889 amending Section 17-28 by deleting the following stricken words:

(1) To process any complaint filed with it, of discrimination against any person, on any ground prohibited as a basis of discrimination by any ordinance of the city or any laws of the state or the United States of America, in accordance with provisions of such ordinance or law.

(2) To hold such hearings as may be provided for by this article or law under which the complaint provided for in this subsection (1) of this section is made

This ordinance has denied me the right to file a housing complaint against my landlord with the City of Peoria. The City of Peoria will not investigate discrimination of state, or United States laws.

The City of Peoria refuses to comply with Section 35.105 self-evaluation of the American with Disabilities Act. As I have requested a copy several times.

Ordinance 15,889 denies me the right to file discrimination complaints with the City of Peoria against businesses having violations from City of Peoria codes, ordinances, the Environment Barrier Act, the Illinois Accessibility Code when altering their parking lots, in their Zoning Certificates, and allowing these businesses to obtain special use permits not only once but twice while having these violations. The City of Peoria even moves or extends Enterprise Zones to give these businesses sales tax exemptions while having these violations.

When businesses are required to install sidewalks according to city code. The City of Peoria issues sidewalk and other variances not in the best interest of the public.

The City of Peoria does not provide equal access to community events and activities, such as Expo Gardens during the State Fair the first two rows of parking outside the main entrance is held solely for handicapped parking. These two rows are not paved or stripped, as the entire parking lot is made of gravel and grass making it difficult for me to use my four-wheel walker let alone my power wheelchair. Inside power cords and water hoses are an obstacle for me. The year I got my four-wheel walker I went and found that I do not want to battle these obstacle.

I am a person with a disability. The City of Peoria allows its citizens to apply for a commission or committee that they are interested in serving on. I have applied for the Traffic commission, Zoning commission, Zoning Board of Appeals, Planning commission, and the Greater Peoria Mass Transit Board, even when seats were open on these commissions and boards, I was not appointed. The only commission or committee a disabled person can get appointed to is the advisory committee for the disabled, some call the Mayor's advisory committee for the disabled.

STATUTE

Public Health

410 ILCS 25/ Environmental Barriers Act

Illinois Accessibility Code

400.310(d)(1-11) curb ramps pg. 35

400.310 (c), (1-5), (7) parking pg. 33

400.310(u) Signage pg.67

(6)(A) Symbols of Accessibility

(8)(C) Accessible entrances*** (inaccessible entrances shall have directional signage to indicate the route to nearest accessible entrance;

(D) Accessible toilet rooms

(9) Directional or Informational Signage

410.310(w)(4) Heights of Tables and Counters pg.72

(5) Auxiliary Counters

410.320 (a) Assembly Areas pg.73

410.610 Historic Preservation pg.115

(b) Scope pg.116

(1) All Historic Building –Alteration Costs 15% or less

(2) Historically Interpreted Buildings – Alterations Costs 15% or less (A-E)

(3) Other Historic Buildings – Alterations Costs o15% or more

(D) At least one accessible toilet room for each sex pg.117

RELIEF

I am seeking relief from the City of Peoria to change their policies and procedures to inspect all properties with new construction, alterations or additions at the time of construction. To have all properties comply with they're Zoning Certificates, the Illinois Accessibility Code, and the American with Disabilities Act.

I am seeking a monetary settlement of \$500,000.00

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29410-0000
(309) 685-3945

ORDINANCE NO. 15,889

AN ORDINANCE AMENDING CHAPTER 17 OF THE CODE OF THE CITY OF PEORIA, ILLINOIS RELATING TO COMPLAINTS OF DISCRIMINATION

WHEREAS, the City of Peoria is a home rule municipality under Article VII, Section 6, of the Illinois Constitution of 1970; and

WHEREAS, the City Council of the City of Peoria, Illinois, finds that State remedies for claims of discrimination are readily available to victims of such discrimination and, in fact, State and Federal processes are more advantageous to victims of discrimination;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PEORIA, ILLINOIS, AS FOLLOWS:

Section 1. Section 17-28 of the Code of the City of Peoria, Illinois, is hereby amended by deleting the following stricken words:

Sec. 17-28. Duties of fair employment and housing commission.

The commission shall have the power and it shall be its duty:

- (1) ~~To process any complaint filed with it, of discrimination against any person, on any ground prohibited as a basis of discrimination by any ordinance of the city or any laws of the state or the United States of America, in accordance with the provisions of such ordinance or law.~~
- (2) ~~To hold such hearings as may be provided for by this article or law under which the complaint provided for in subsection (1) of this section is made.~~

* * *

Section 2. Sections 17-29, 17-31, 17-32, 17-33, 17-34, 17-35 and 17-36 are hereby repealed.

Section 3. This ordinance shall be in full force and effect immediately upon passage according to law.

PASSED BY THE CITY COUNCIL OF THE CITY OF PEORIA, ILLINOIS, THIS 14TH DAY OF FEBRUARY, 2006.

APPROVED: [Signature]
Mayor

ATTEST:
[Signature]
City Clerk

EXAMINED AND APPROVED:
[Signature]
Corporation Counsel