



ORDINANCE NO. 5964

AN ORDINANCE ENACTING ARTICLE VIII. (ACCESSIBILITY REQUIREMENTS FOR BUILDINGS RECEIVING PUBLIC FUNDS) SECTION 9-137 (AUTOMATIC DOOR REQUIRED) UNDER CHAPTER 9 (BUILDINGS AND HOUSING), CODE OF ORDINANCES, CITY OF MINOT, NORTH DAKOTA TO REQUIRE BUILDINGS OPEN TO PUBLIC USE THAT HAVE RECEIVED PUBLIC FUNDS FROM THE CITY TO INSTALL AT LEAST ONE AUTOMATIC DOOR FOR AT LEAST ONE MAIN ENTRANCE TO THE BUILDING.

WHEREAS, the City of Minot is a political subdivision lawfully recognized in the state of North Dakota as a home rule city and possessing municipal powers and authority pursuant to its home rule charter and provisions of North Dakota Century Code (NDCC) § 40-05.1, as well as statutory provisions codified in NDCC 40-05-01; and

WHEREAS, the City of Minot has the authority, through its home rule charter, to adopt, amend, and repeal ordinances, resolutions, and regulations to carry out its governmental and proprietary powers and to provide for public health, safety, morals, and welfare, and penalties for a violation thereof, including the authority to control its finances and fiscal affairs; and

WHEREAS, the City of Minot desires to enact an ordinance requiring every building open to public use that has received the benefit of public funds from the city to provide for the installation of an automatic door for at least one main entrance to the building; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MINOT:

§ 1. That Article VIII. (Accessibility Requirements for Buildings Receiving Public Funds), Section 9-137 (Automatic Door Required), under Chapter 9 (Buildings and Housing), Code of Ordinances, City of Minot, North Dakota, is hereby enacted and shall read as follows:

ARTICLE VIII. ACCESSIBILITY REQUIREMENTS FOR BUILDINGS RECEIVING PUBLIC FUNDS FOR BUILDING IMPROVEMENTS OR NEW CONSTRUCTION

Sec. 9-137. Automatic Door Required.

(a) Every building open to public use that has received the benefit of public funds from the city to make building improvements or to construct a new building shall provide for the installation of an automatic door for at least one main entrance to the building. If the immediate interior of the building is only accessible through a vestibule, this requirement requires the installation of as many automatic doors as are necessary to allow passage through the vestibule and into the immediate interior of the building.

(b) Definitions. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Automatic door means a door equipped with a power-operated mechanism and controls that open and close the door automatically upon receipt of a momentary actuating signal. The switch that begins the automatic cycle may be a photoelectric device, floor mat or manual switch.

Public funds means as defined in N.D.C.C. § 21-04-01(5).

Public use means interior or exterior rooms or spaces that are regularly made available to the general public.

Vestibule for purposes of this article means a building entrance that requires passage through two or more doors to reach the immediate interior of the building.

(c) Use groups. This article shall only apply to buildings or businesses that are established for public and private institutional uses and commercial uses as identified in the Table of Uses (Table 2.2) found in Chapter 2.2 of the Minot Land Development Ordinance, with the exception of home-based businesses.

(d) Waiver. Automatic doors are not required if the installation of an automatic door would be technically infeasible, if other preexisting accessibility barriers exist that cannot be reasonably remedied or readily achievable at reasonable cost, or if the installation of an automatic door would create an undue burden on the applicant as defined in 28 CFR 36.104.

(e) Noncompliance. In the event it is determined by the city that a business or building has received public funds and has not complied with this article, the city may revoke or rescind the granting of or receipt of the public funds or take such further action as may be necessary to ensure compliance with this article.

(f) Application. This article shall apply to building projects or renovations that have applied for and received public funds after May 20, 2024.

(g) This requirement shall not apply to the grant or award of public funds to a recipient of less than \$5,000.00.

(h) This requirement shall not apply to recipients of non-forgivable loans from the City.

§2. This Ordinance shall become effective upon final passage and approval.

PASSED FIRST READING: May 6, 2024

PASSED SECOND READING: May 20, 2024

ATTEST: APPROVED:

Mikayla McWilliams, City Clerk

Thomas Ross, Mayor