

CITY OF BUTLER, INDIANA

American's with Disabilities Act Transition Plan for Public Rights-of-Way & Public Facilities

Chapter 1 -- Summary & Purpose

In 1990, the Federal Government enacted the Americans with Disabilities Act ("ADA"). The City of Butler ("City") recognizes its legal obligation to comply with Title II of the ADA and hereby establishes a transition plan ("Plan") to ensure compliance to the ADA.

Title II of the ADA requires that each of the City's services, programs and activities, when viewed in their entirety, be readily accessible and usable by individuals with disabilities.

A disability, with respect to an individual, is defined as:

- A physical or mental impairment that substantially limits one or more of the major life activities of such individual.
- A record of such an impairment.
- Being regarded as having such an impairment.

The purpose of this Plan is to ensure that the citizens of Butler are provided full access to the City's programs, services and activities in a timely manner.

This Plan identifies existing barriers, establishes a timetable for removing these barriers and a means to address complaints of discrimination. It also provides for public input to assess, address and meet access needs, and sets periodic reviews of the Plan to monitor progress and compliance.

Butler elected officials and staff believe the ability to accommodate disabled persons is essential to good customer service, and to the quality of life that Butler's citizens seek.

Chapter 2 – ADA Coordinator

The Butler City Planner shall serve as the ADA Coordinator regarding the establishment, implementation and monitoring of this Plan. Contact information is as follows:

Butler City Planner
215 South Broadway
Butler, IN

Phone: 260-868-5200
Email: planner@butler.in.us

Chapter 3 – ADA Notice Provisions

The City of Butler, Indiana hereby adopts the 2010 Americans with Disabilities Act Standards for Accessible Design and the 2005 Guidelines for Accessible Public Rights. In accordance with the requirements of Title II of the Americans with Disabilities Act of 1990, the City of Butler, Indiana will

not discriminate against qualified individuals with disabilities based on disability in its services, programs or activities.

- a. Employment** – The City of Butler, Indiana does not discriminate based on disability in its hiring or employment practices and complies with all regulations promulgated by the U.S. Equal Employment Opportunity Commission under Title I of the ADA.
- b. Effective Communication** – The City of Butler, Indiana will reasonably provide, upon request, appropriate assistance and services leading to effective communication for qualified persons with disabilities. This will enable such persons to participate equally in the City’s programs, services and activities. Such services may include qualified sign language interpreters, documents in Braille, and other ways of making information and communications accessible to individuals who have speech, hearing or vision impairments.
- c. Modifications to Policies and Procedures** – The City of Butler, Indiana will make all reasonable modifications to policies and programs to ensure that individuals with disabilities have an equal opportunity to enjoy all of its programs, services and activities.
- d. Provision** – Anyone who requires an auxiliary aid or service for effective communications, or a modification of policies or procedures to participate in a program, service or activity of the City of Butler, Indiana should contact the Butler City Planner / ADA Coordinator at 260-868-5200 (planner@butler.in.us) as soon as possible, but no later than forty-eight (48) prior to a scheduled City event.

The ADA does not require the City to take any action that would fundamentally alter the nature of its programs or services, or impose an undue financial or administrative burden.

Complaints that a City program, service or activity is not accessible to individuals with disabilities are to be directed to the Butler City Planner at 260-868-5200 (planner@butler.in.us).

The City does not place a surcharge on disabled individuals to cover the cost of providing auxiliary aids / services or reasonable modifications of policy.

Chapter 4 – Grievance Procedure

This grievance procedure is for use by anyone who wants to file a complaint alleging discrimination based on disability in the provision of services, activities, programs or benefits provided by the City of Butler, Indiana:

- a.** Filed complaints must be writing, using the grievance form for filing a complaint provided in “**Appendix A**” to this Plan.
- b.** Complaint must contain the name and address of the location where the alleged act of discrimination occurred.
- c.** Complaint must contain a description of the alleged act of discrimination, including the date and time of day of the alleged occurrence.
- d.** Alternative means of filing complaints, such as personal interviews or video / audio recording of the complaint, will be made available for persons with disabilities upon request to the ADA Coordinator. The complaint should be submitted by the grievant and/or his designee as soon as possible after the alleged violation, but no later than sixty (60) calendar days to:

City Planner
City of Butler
215 South Broadway
Butler, IN 46721
PH: 260-868-5200
Email: planner@butler.in.us

- e. Within fifteen (15) calendar days after receipt of the complaint, the Coordinator, or their designee, will meet with the complainant to discuss the complaint and possible resolutions for the complaint.
- f. Within fifteen (15) calendar days of the meeting with the complainant, the Coordinator, or their designee will respond in writing and, where appropriate, in a format accessible to the complainant, such as large print, Braille or audio recording. The response will explain the position of the City of Butler and offer options for a substantive resolution of the complaint.
- g. If the City's response does not satisfactorily resolve the issue, the complainant, or their designee, may appeal the decision within fifteen (15) calendar days after receipt of the response to the Coordinator or his designee.
- h. Within fifteen (15) calendar days after receipt of the appeal, the Coordinator, or their designee will meet again with the complainant to discuss the appeal and possible resolutions. Within fifteen (15) calendar days after the meeting, the Coordinator will respond in writing, and, where appropriate, in formats or mediums described heretofore that are accessible to the complainant, with a final resolution of the complaint.

All written complaints received by the ADA Coordinator or his designee, appeals to the ADA Coordinator or his designee, and response from the ADA office will be retained by the City of Butler, Indiana for at least three (3) years.

Chapter 5 – Design Standards

Curbs / Sidewalks / Ramps – Curbs, sidewalks and ramps constructed either as part of a planned development, by or for the City of Butler, or by a private property owner shall be constructed according to the most current “Proposed Accessibility Guidelines for Pedestrian Facilities in the Public Right-of-Way” ([PROWAG](#)) regulations and standards, as published in the “*The Federal Register*.”

Buildings – Any City of Butler owned buildings that are constructed, remodeled or updated shall be constructed according to the most current “Accessibility Guidelines for Buildings and Facilities” ([ADAAG](#)) regulations and standards, as published in “*The Federal Register*.”

Chapter 6 – Inventories

Ramps - The physical barriers, related to curb ramps at intersections, currently existing within the City public rights-of-way have been documented and are referenced herein and made a part of this Plan as “[Appendix B](#).” The various locations of said ramps are documented and are referenced herein and made a part of this Plan as “[Appendix C](#).” This inventory is subject to further revisions that will be included in any further inventory updates.

This inventory applies only to those rights-of-way under the jurisdiction and control of the City of Butler. Intersections within the U.S Highway 6 (Main Street) and Indiana State Road 1 (Broadway) rights-of-way are under the jurisdiction and control of the Indiana Department of Transportation (INDOT) and are not included in this inventory.

Sidewalks – An inventory and evaluation of the City’s sidewalks will be conducted as part of a pending “Safe Routes to School” – funded project in 2013. Sidewalks will be evaluated according to the most current “Proposed Accessibility Guidelines for Pedestrian Facilities in the Public Right-of-Way” (PROWAG) regulations and standards, as published in “*The Federal Register*.” This evaluation will be made a part of this Plan in a future revision.

Buildings – The City of Butler owns the following properties containing public facilities that are open to public access, and that require ADA accommodations for City employees:

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| a. Butler City Hall | 215 South Broadway |
| b. Butler Traffic Court | 217 South Broadway |
| c. Butler Police Department | 201 North Broadway |
| d. Butler Fire Department | 700 West Main |
| e. Butler Wastewater Treatment Plant | 695 East Green |
| f. Butler Water Treatment Plant | 141 East Willow |
| g. Dick Miller Park | 100 South Broadway |
| h. Hathaway Park | 121 East Willow |
| i. Mason Park | 151 Depot |
| j. Maxton Park | 701 East Green |
| k. Southside Park | 232 Walnut |

At the adoption of this Plan, Hendrickson Park, 405 South Federal, and Susie Park, 406 South Federal, were undeveloped greenspace parks with no buildings or facilities. Two City-owned buildings, the former City Utilities building at 201 South Broadway, and the former City Building / Fire Station at 120 West Main, are not being used and are not open to public access.

A self-evaluation / assessment of each of the City’s physical facilities will be conducted by June 30, 2013. The most current “Accessibility Guidelines for Buildings and Facilities ([ADAAG](#)) regulations and standards, as published in “*The Federal Register*,” will be used to evaluate and collect data for the buildings / facilities. These evaluations will be made a part of this Plan in a future revision.

Chapter 7 – Funding & Scheduling

The City of Butler hereby commits that any newly-installed curb ramps will be ADA-compliant.

The City will also review existing non-compliant ramps and make an annual budgetary determination as to whether any such ramps can be brought into compliance during the fiscal year.

Chapter 8 – Review and Revision

The elements of this Plan will be reviewed and revised as follows:

- a. The methods to remove and mitigate barriers prescribed in Chapter 5 above will be reviewed and revised as needed annually.
- b. The physical barriers identified and documented in Chapter 6 will be reviewed and revised as needed annually.
- c. The funding and scheduling for removing barriers and providing curb ramps prescribed in Chapter 7 will be reviewed and revised annually during the formation of the annual budget, and during the revision of any relevant capital improvements plans.

- d. Comments and input from the disability community will be solicited when any changes and / or revisions are made to this Plan.

Chapter 9 – Public Involvement Opportunities

Interested individuals are invited to participate in identifying access needs or barriers to accessibility. Feedback and comments regarding this Plan can be directed to the ADA Coordinator:

Butler City Planner
215 South Broadway
Butler, IN

Phone: 260-868-5200
Email: planner@butler.in.us

A draft of the City of Butler, Indiana Transition Plan was made available in digital format on the City website (www.butler.in.us) from November 19, 2012 to December 17, 2012 for the public comment period.

A hardcopy version of the Transition Plan was also available in the following locations for viewing during the same time period:

- Butler City Hall, 215 South Broadway, Butler, Indiana.
- Butler Public Library, 340 South Broadway, Butler, Indiana.

Following adoption of the Plan, will be posted in digital format on the City website (www.butler.in.us). A hardcopy version of the Plan will also be available in the following locations for viewing:

- Butler City Hall, 215 South Broadway, Butler, Indiana.
- Butler Public Library, 340 South Broadway, Butler, Indiana.

Anyone wanting to comment on the Plan can submit their comments to the ADA Coordinator.