

# City of Delphi

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# Transition Plan



ADA Consulting of Indiana

P.O. Box 248

Waynetown, IN 47990

Phone: 765-234-2ADA (2232)

[www.adaconsultingofindiana.com](http://www.adaconsultingofindiana.com)

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# CITY OF DELPHI RESOLUTION 2022-3

## A RESOLUTION ADOPTING AN ADA TRANSITION PLAN FOR THE CITY OF DELPHI

WHEREAS, the federal government enacted The Americans with Disabilities Act 1990 (ADA), as amended, to prevent discrimination on the grounds of disability and to ensure that individuals are not excluded from participation in, denied benefits of, or otherwise subjected to discrimination under any program, service or activity offer by a municipality (a Title II entity) receiving federal financial assistance on the basis of a person having a disability;

WHEREAS, throughout the years, additional regulations, statutes, directives, cases and executive orders have been passed which expand the breadth of the ADA;

WHEREAS, the City of Delphi, IN, by its City Council wishes to formally adopt and implement the following attached policy and procedure for the benefit of all Delphi citizens including members of the disabled population of this Town; and

WHEREAS, it is a requirement of the Indiana Department of Transportation and the US Department of Justice that communities receiving federal financial assistance adopt an ADA Transition Plan.

NOW THEREFORE be it resolved by the City Council of the City of Delphi that it hereby adopts the attached ADA Transition Plan.

PASSED AND RESOLVED, City Council of the City of Delphi, this 7th day of February, 2022.

\_\_\_\_\_  
Spencer Kingery, Council President

\_\_\_\_\_  
Mike Isley, District 2

\_\_\_\_\_  
Cody Nelson, District 1

\_\_\_\_\_  
Gayle Conner, District 3

ATTEST:

\_\_\_\_\_  
Leanne Aldrich, Clerk Treasurer

\_\_\_\_\_  
Sandy Flora, District 4



# City of Delphi

## ADA Transition Plan

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### Introduction

The Americans with Disabilities Act (ADA) is a civil rights law that protects individuals with disabilities. This law provides equal access for individuals with disabilities in employment, public accommodations, transportation, state and local government services and telecommunications. There are five titles to the ADA and many requirements, regulations, & guidelines under the ADA law. The City of Delphi is considered an ADA Title II entity. Under Title II and Title III of the ADA regulations, law prohibits public entities, such as any City of Delphi facility, from discriminating against or excluding a person access to programs, services, or activities on the basis of disability. We must ensure that the following issues are compliant with ADA Title II and accessible to people with disabilities:

- All services and programs offered by the entity
- All aspects of the employment relationship
- Government services carried out by contractors/partners/grant recipients
- Activities of local legislative and judicial branches

In other words, no qualified individual with a disability can be excluded from participation in or denied benefit from services, programs or activities of a public entity.

### Five Titles of the ADA

#### Title I

##### **Equal Employment Opportunity for Individuals with Disabilities**

This Title is designed to remove barriers that would deny qualified individuals with disabilities access to the same employment opportunities and benefits available to others without disabilities. Employers must reasonably accommodate the disabilities of qualified applicants or employees, unless an undue hardship would result.

#### Title II

##### **Nondiscrimination of the Basis of Disability in State and Local Government Services**

This Title prohibits discrimination on the basis of disability by public entities. The public entity



is required to provide access to programs, services and activities provided by the state or local government, when viewed in their entirety.

### **Title III**

#### **Nondiscrimination on the Basis of Disability by Public Accommodations and in Commercial Facilities**

This Title prohibits discrimination on the basis of disability by private entities in places of public accommodation. Examples include hotels, restaurants, golf courses, private schools, day care centers, health clubs, etc.

### **Title IV**

#### **Telecommunications**

This Title requires telephone companies to have developed interstate and intrastate telephone relay services in every state.

### **Title V**

#### **Miscellaneous Provisions**

The final Title contains a variety of provisions relating to the ADA as a whole, including its relationship to other laws and its impact on insurance providers and benefits.

## **Application of the ADA to the City of Delphi**

The City of Delphi is covered under ADA, Title I - Employment, and Title II - Programs, Services and Activities. The ADA requires the City to make all its programs, services and activities readily accessible and useable by qualified persons with a disability when the programs, services and activities are viewed in their entirety. The Self Evaluation and Transition Plan are cornerstones to documenting and ensuring the City's effort to create and maintain inclusion as mandated by the ADA.

This document will guide the planning and implementation of necessary programs and facility modifications over the next several years. The ADA self-evaluations and Transition Plan are significant in that they establish the City's ongoing commitment to the development and maintenance of policies, programs and facilities that includes all citizens. The final product is considered a "working" or "living" document and will be modified when barriers are removed or alterations are made.

In 2021, ADA Consulting of Indiana was hired to assist the City with a comprehensive evaluation



assessing the City's compliance with the 2010 ADA Requirements & Guidelines and the Section 504 of the Rehabilitation Act of 1973. ADA Consulting of Indiana will provide guidance to the City staff member's using both of these requirements for self-evaluation assessments of the City of Delphi's facilities, programs and services. Each action item will be listed within the individual facility reports. ADA Consulting of Indiana offered recommendations to remedy any compliance issues, and assisted the ADA Coordinator with the composition of this transition plan.

The information outlined in the following report is a summary of the general recommendations provided by ADA Consulting of Indiana.

Any comments, additions or suggestions about this plan may be directed to the ADA Coordinator.

### Program Location & Staffing:

Anita L. Werling, Mayor– City of Delphi ADA Coordinator  
201 South Union St.  
Delphi, IN 46923  
Phone: (765) 564-2097    TTY: 711    Email: [mayor@cityofdelphi.org](mailto:mayor@cityofdelphi.org)

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Delphi City Council meets at 6:00 p.m. Eastern, on the second & fourth Monday of every month at the Delphi Municipal Utilities Complex located at 201 South Union St., Delphi Indiana.

**City Council Members:**

Spencer Kingery – At Large, Council President

Cody Nelson – District 1

Mike Isley – District 2

Gayle Conner – District 3

Sandy Flora – District 4

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## Department Superintendent Contact Information

**Clerk-Treasurer** - Leanne Aldrich, Clerk-Treasurer, 201 S. Union St., Delphi, IN 46923  
765-564-2097 [leanne@cityofdelphi.com](mailto:leanne@cityofdelphi.com)

**Police Department:** Brook L. McCain, Police Chief, 201 S. Union St., Delphi, IN 46923  
765-564-8413 [105@cityofdelphi.com](mailto:105@cityofdelphi.com)

**Fire Department:** Dan Dulin, Fire Chief, 101 S. Union St., Delphi, IN 46923  
765-564-2234

**Wastewater Department:** Dick Vansickle, Superintendent, 201 S. Union St., Delphi, IN 46923  
765-564-2313 [wwtp@cityofdelphi.com](mailto:wwtp@cityofdelphi.com)

**Water Department:** Craig Myers, Superintendent and Certified Operator, 201 S. Union St.,  
Delphi, IN 46923 765-564-3944 [water@cityofdelphi.com](mailto:water@cityofdelphi.com)

**Streets Department:** Aaron Lyons, Superintendent, 201 S. Union St., Delphi, IN 46923 765-  
564-2353 [street@cityofdelphi.com](mailto:street@cityofdelphi.com)

**Cemeteries:** Aaron Lyons, Superintendent, 201 S. Union St., Delphi, IN 46923 765-564-2353  
[street@cityofdelphi.com](mailto:street@cityofdelphi.com)

**Parks and Recreation:** Aaron Lyons, Superintendent, 201 S. Union St., Delphi, IN 46923  
765-564-2353 [street@cityofdelphi.com](mailto:street@cityofdelphi.com)



## ADA Compliance Self Evaluation & Transition Plan:

The City of Delphi's complete Title II ADA Self-Evaluation can be requested from the City ADA Coordinator. It is available in alternative formats upon request.

### Requirements of Access to Programs, Services and Activities:

The U.S. Department of Justice (USDOJ) serves as the primary enforcement agency for the ADA and has suggested 13 points of program access for the Self Evaluation review. These 13 points and administrative requirements were used to set the scope of the review for the City of Delphi

**1. Transition Plan** – The Transition Plan is being updated as a part of this project. The completed working Transition Plan will be made up of a list of barriers within the physical environment, and a statement of methods for removal of barriers. The City will continue to implement barrier removal by scheduling and funding projects based on available funds and the disproportional undue burden ratio.

**2. Program Access** – ADA Consulting of Indiana will perform self-evaluations to identify any program eligibility requirements that would limit or exclude or tend to limit the participation of qualified persons with disabilities. The City of Delphi will make all reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all of its programs, services, and activities. For example, individuals with service animals are welcomed in the City offices, even where pets are generally prohibited. Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a program, service, or activity of the City of Delphi, should contact the department directly with the request. Requests may also be sent to the City's ADA Coordinator. The City will achieve program accessibility by making accommodations. This means policies or procedures will be changed or adapted, as long as it is reasonable, to ensure inclusion, service or eliminate barriers.

**3. Communication with persons with disabilities** – Information regarding the communication needs of persons with disabilities appears to be inconsistent through City departments. The City of Delphi Disability Guidelines and Etiquette Handbook for Employees will be made available to each City employee to ensure communication barriers do not exist within City departments.

**4. Auxiliary Aids and Services** – Provision of auxiliary aides and services such as sign language interpreters, note takers, etc. were reviewed within this scope of the Self Evaluation. Information regarding this required area is not consistent and well-established among the City staff. Employees will find procedures and local resources in The City of Delphi Disability Guidelines and Etiquette Handbook for Employees.

**5. Emergency Preparedness** – One of the most important roles of local government is to protect their citizenry from harm, including helping people prepare for and respond to emergencies. Making local government emergency preparedness and response programs accessible to people



with disabilities is a critical part of the City of Delphi's responsibility. ADA Consulting of Indiana has provided self-training materials and information to staff members to incorporate and be included as standard employee materials for current and new employees.

**6. Language Sensitivity** – The United States Department of Justice (USDOJ) suggests an examination of the manner in which persons with disabilities are portrayed in City publications. Information concerning “person first language” and a list of terms that may be offensive to some persons with disabilities such as “mental retardation”, “victim of”, “wheelchair bound”, or “handicapped.” These concepts should be reinforced with training. This material was completed for training instruction and purposes and included in the Disability Guideline and Etiquette handbook for Employees.

**7. Historic preservation** – When covered entities operate programs, services and activities from registered historic sites, alternative historic codes can be applied. The City of Delphi operates some programs or activities out of the City Hall, erected in 1928, and a "Notable" structure in the Delphi Courthouse Square Historic District.

**8. Procedure for determining fundamental alterations** - The determination of an undue burden must be based on all resources available (must consider all municipal financial resources) when viewed in its entirety. Determinations will be addressed by using the Americans with Disabilities Act Accessibility Guidelines (ADAAG's) and the Public Right-Of-Way Accessibility Guidelines. Any situations that require the use of undue burden will require a written justification and approved by the ADA Coordinator as needed.

**9. Access to public meetings**– All Public meetings are held at the Delphi Community Center located at 311 N. Washington Street. The City has Public Notices of Non-Discrimination, publicly posted. The City is in the process of purchasing assistive listening devices for Public Meetings. The City will provide reasonable accommodations where requested. Contact the City ADA Coordinator for reasonable accommodations and requests.

**10. Employment Practices**–The ADA prohibits discrimination in all employment practices, including job application procedures, hiring, firing, advancement, compensation, training, and other terms, conditions, and privileges of employment. It applies to recruitment, advertising, tenure, layoff, leave, fringe benefits, and all other employment-related activities. Ongoing staff training in the ADA and Title VI will be recorded and kept on file by the ADA Coordinator.

**11. Construction and Renovation Project**– After January 26, 1992, all construction and renovation projects are to be compliant with federal access requirements. The City conducts plan checks of new construction projects to identify compliance issues before permits are issued and any construction begins. The City's adoption of the 2010 **ADASAD** and **Public Rights-Of-Way Accessibility Guidelines (PROWAG)** will assist and provide means to meet the requirements of the ADA.



12. **ADA Training for Staff** – Much of the City staff has regular contact with the public and will need to be equipped with a wide range of disability related information in order to appropriately address the Disability Civil Rights issues as they conduct City business. It is recommended that guidance documents provided by ADA Consulting of Indiana be made available for City staff to access as needed. These documents could then be maintained and updated as needed.

It is also advisable to have on-going training as it is available for;

- New staff,
- Staff having public contact,
- Supervisors and managers,
- Emergency responders, and
- Meeting organizers.

13. **Employee Policies regarding former alcohol and drug users** –ADA requires that persons who formerly engaged in the use of illegal drugs be protected from discrimination if they have been rehabilitated and no longer using drugs illegally. (Ongoing)

## **Public Involvement**

The City of Delphi will host a Public Meeting and invite the public to discuss currently known areas of the City that deny access to any City programs, services or activities. This meeting will record all public comments.

**Public Meeting Date:** February 7, 2022.

## **Sidewalk and Curb Ramp Inventory:**

The sidewalk and curb ramp inventory was completed in the year 2021. Those documents can be made available upon request. Arrangements have been made by the City of Delphi to update the completed sidewalk/curb ramp inventory, mapping and digital information in cooperation with BF&S Engineering. Digital mapping will be provided to the Mayor upon completion and will be available upon request from the ADA Coordinator thereafter.

The maps will identify locations where non-compliant ramps and sidewalks exist. The City will use these maps to program and prioritize repairs on an annual and on-going basis.



## **Access Compliance Assessments of Facilities:**

The following appendixes will be available by the City of Delphi ADA Coordinator upon request in alternative formats. Facility assessments will be available to the public for 3 years. ADA Consulting of Indiana is scheduled to perform physical evaluations that outline physical barriers and recommended corrections in 2022. Each item is prioritized according to 28 C.F.R. § 36.304 Removal of Barriers. The City of Delphi will provide a projected date for completion of each non-compliant item and name a person responsible for the remediation of each issue within the report. Upon completion of each correction of a non-compliant issue, the person responsible for carrying out that action will initial and date in that section provided within the report. The City of Delphi's facilities that will be evaluated in 2022 and reports listed as appendixes to this Transition Plan, include:

- **Wastewater Treatment Plant, N SR 25, Delphi, IN 46923**
- **City Hall, 201 S. Union St., Delphi, IN 46923**
- **Fire Station, 102 S. Union St., Delphi, IN 46923**
- **Community Center, 311 N. Union St., Delphi, IN 46923**

Parks Facilities, boat ramps, Playgrounds, pools and camping facilities.

- **Riley Park & Annex, 101 Riley Rd., Delphi, IN 46923**
- **City Park, Walnut between Monroe and East Main St., Delphi, IN 46923**
- **O'Bear Park, 1514 W. North St., Delphi, IN 46923**
- **Trailhead Park, 1808 N. State Rd 25, Delphi, IN 46923**

Cemeteries

- **Robinson-Baum Cemetery, 400 block of Riley Rd., Delphi, IN 46923**
- **Delphi Cemetery (Morning Heights), 5946 W. 300 N., Delphi, IN 46923**

To request an alternate format or a copy of the physical evaluations, please contact the ADA Coordinator.



## Action Items for the ADA Transition Plan

This section of the report will be used to record action items regarding the Transition Plan

**Action Item:** →

**January, 2022:** ADA Consulting of Indiana submitted this Transition Plan to the City of Delphi.

**Action Item:** →

**by Spring 2022:** ADA Consulting of Indiana will perform and provide to City staff members a completed self-evaluation and report of access to each City owned facility.

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## **NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT**

In accordance with the requirements of Title II of the Americans with Disabilities Act of 1990 ("ADA"), the City of Delphi will not discriminate against qualified individuals with disabilities in its services, programs, or activities.

*Employment:* The City of Delphi does not discriminate on the basis of 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

*Effective Communication:* The City of Delphi will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in the City of Delphi's programs, services, and activities, including qualified sign language interpreters, documents in Braille, and other ways of making information and communications accessible to people who have speech, hearing, or vision impairments.

*Modifications to Policies and Procedures:* The City of Delphi will make all reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all of its programs, services and activities. For example, individuals with service animals are welcomed in the City of Delphi's offices, even where pets are generally prohibited.

Anyone who requires an auxiliary aid or service for effective communication, or modification of policies or procedures to participate in a program, service, or activity of the City of Delphi, should contact Anita Werling at (765) 564-2097 as soon as possible but no later than 48 before the scheduled event.

The ADA does not require the City of Delphi 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 program, service, or activity of the City of Delphi is not accessible to persons with disabilities should be directed to the ADA Coordinator, Mayor City of Delphi.

The City of Delphi will not place a surcharge on a particular individual with a disability or any group of individuals with disabilities to cover the cost of providing auxiliary aids/services or reasonable modifications of policy, such as retrieving items from locations that are open to the public but are not accessible to persons who use wheelchairs.

**CITY OF DELPHI**  
**GRIEVANCE PROCEDURE UNDER**  
**THE AMERICANS WITH DISABILITIES ACT**

This Grievance Procedure is established to meet the requirements of the Americans with Disabilities Act of 1990 ("ADA"). It may be used by anyone who wishes to file a complaint alleging discrimination on the basis of disability in the provision of services, activities, programs, or benefits by the City of Delphi. The City's Personnel Policy governs employment-related complaints of disability discrimination.

The complaint should be in writing and contain information about the alleged discrimination such as name, address, phone number of complainant and location, date, and description of the problem. Alternative means of filing complaints, such as personal interviews or a tape recording of the complaint will be made available for persons with disabilities upon request.

The complaint should be submitted by the grievant and/or his/her designee as soon as possible but no later than 60 calendar days after the alleged violation to:

Anita Werling, Mayor– City of Delphi ADA Coordinator

201 South Union St.

Delphi, IN 46923

Phone: (765) 564-2097 TTY: 711 Email: [mayor@cityofdelphi.org](mailto:mayor@cityofdelphi.org)

Within 15 calendar days after receipt of the complaint, the ADA Coordinator Anita Werling and her designee will meet with the complainant to discuss the complaint and the possible resolutions. Within 15 calendar days of the meeting, the ADA Coordinator Anita Werling or her designee will respond in writing, and where appropriate, in a format accessible to the complainant, such as large print, Braille, or audio tape. The response will explain the position of the City of Delphi and offer options for substantive resolution of the complaint.

If the response by the ADA Coordinator Anita Werling or hers designee does not satisfactorily resolve the issue, the complainant and/or his/her designee may appeal the decision within 15 calendar days after receipt of the response to the City Council.

Within 15 calendar days after receipt of the appeal, the City Council will meet with the complainant to discuss the complaint and the possible resolutions. Within 15 calendar days of the meeting, the City Council Designee will respond in writing, and where appropriate, in a format accessible to the complainant, such as large print, Braille, or audio CD, with a final resolution of the complaint. The response will explain the position of the ADA Coordinator and offer options for substantive resolution of the complaint if different from those indicated by the subcommittee in the first step.

All written complaints received by Anita Werling or her designee, appeals to the City Council, and responses from these two offices will be retained by the City of Delphi for at least three years.

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City of Delphi  
Complaint Form  
Americans with Disabilities Act (ADA)

Section 1:

Please fill in completely and legibly. If the information is incomplete or it cannot be read, the complaint will not be investigated.

Last Name	Middle Initial	Last name	
Street Address	City	State	Zip Code
Telephone Number (including area code)	Best time to call this number		
Alternate Telephone Number (including area code)	Best time to call this number		
Email Address			

Section 2:

Please provide a complete description of the specific issue(s) you believe are inconsistent with Title II of the Americans with Disabilities Act (use additional pages as necessary and provide documentation supporting the allegation).

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Section 3:

Please provide the specific location(s) of the ADA issues prompting this complaint.

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Section 4:

Please provide the date when the ADA non-compliance occurred/was noted.

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Section 5:

Please state as specifically as possible what you think should be done to resolve the complaint.

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Please sign and date this form.

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Signature

Date

Mail completed complaint form to:

Mayor– City of Delphi ADA Coordinator

201 South Union St.

Delphi, IN 46923

Phone: (765) 564-2097 TTY: 711

Email: [mayor@cityofdelphi.org](mailto:mayor@cityofdelphi.org)

For Office Use Only:

\_\_\_\_\_  
Date Received

\_\_\_\_\_  
Date Investigated

Results (with supporting documentation or photographs):

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\_\_\_\_\_  
Date Complainant Contacted

Method of Contact  
 Phone  
 Letter  
 Email

Complaint Resolved?  
 Yes  
 No

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# City of Delphi's Policy on Service Animals

The City of Delphi complies with the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act of 1973 (Section 504). Under the ADA, businesses and organizations that serve the public must allow people with disabilities to bring their service animals into all areas of their facilities where members of the public are normally allowed to go. Among other things, the ADA and Section 504 require the City to make reasonable modifications to its policies, practices, or procedures to permit the use of a Service Animal by members of the public, faculty, staff, or visitor with a disability.

## Definition of Service Animal

The ADA defines a Service Animal as “any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability.” Importantly, other species of animals, whether wild or domestic, trained, or untrained, are not Service Animals for the purpose of the ADA. However, the City of Delphi will make reasonable modifications for a miniature horse that has been individually trained to do work or perform tasks for the benefit of the individual with a disability.

When assessing whether a dog is a Service Animal, the dog must be trained to do work or perform tasks that are directly related to the individual's disability - such as guiding people who are blind; alerting people who are deaf; pulling wheelchairs; alerting and protecting a person experiencing a seizure; or performing other special tasks. Service animals are working animals, not pets.

The crime deterrent effects of a dog's presence and the provision of emotional support, well-being, comfort, or companionship do not constitute work or tasks for purposes of determining if a dog is a Service Animal under this policy.

## Verification of Service Animal

Service animals are not required to be certified, trained, or licensed as a Service Animal. They are not required to wear any identifying tags or clothing. Service animals also are not limited to a specific breed or size of dog. Some individuals with service animals may have “hidden” disabilities such as diabetes or epilepsy, therefore it may not be apparent that the animal is a service animal.

In situations where it is apparent that the person has a disability, or the animal is clearly marked as a service animal.

- Employees of the City of Delphi will not ask about the nature or extent of an individual's disability.

However, when it is not readily apparent that the person with the animal has a disability or the animal accompanying the individual is a service animal, the staff of the City of Delphi may ask the individual two questions permitted by the ADA.

1. Is the animal required because of a disability?
  - if “yes”, ask question 2
  - if “no”, you may ask the individual to remove the service animal
2. What work or task has the dog has been trained to perform.
  - Answers given should be things such as retrieving items for me, alerting me when I am about to have a seizure, etc.
  - The City of Delphi will not require or request that the Service Animal perform the tasks it has been trained to perform
  - The City of Delphi will not require documentation, such as proof that the dog has been certified, trained, or licensed as a Service Animal.

### **Care and supervision of Service Animal**

The individual with the disability using a Service Animal is responsible for the care or supervision of a Service Animal. The Service Animal must be under the control of the individual at all times and must have a harness, leash, or other tether. If the use of a harness, leash, or other tether would interfere with the performance of the work or tasks performed by the Service Animal or is impractical because of an individual’s disability, a harness, leash, or other tether may not be required. However, in that case, the individual must be able to control the Service Animal by other effective means such as voice controls or signals.

A Service Animal is generally permitted to accompany the individual with a disability to City facilities where members of the public, staff, and faculty are allowed to go. However, the City may ask the individual with a disability to remove a Service Animal from any of its facilities if: (1) the Service Animal is out of control and the individual with a disability does not take effective action to control it; or (2) the Service Animal is not housebroken. The City may also ask the individual with a disability to remove a Service Animal from any of its facilities if the use or presence of the Service Animal poses a direct threat to the health or safety of others or if the animal’s behavior, such as barking, is unreasonably disruptive to the other participants within the facility.

The City may impose legitimate safety requirements on the use or presence of a Service Animal that are necessary for safe operation of its facilities. There are some facilities that are not safe for use or presence of Service Animals and from which the City may exclude Service Animals on a case-by-case basis based on actual risks.

The individual with a disability must abide by current town/city, county, and state ordinances/laws/regulations pertaining to licensing, vaccination, and other requirements for animals (It is the individual’s responsibility to know and understand these ordinances, laws and regulations).

The individual with a disability is responsible to clean up after and properly dispose of the animal's feces in a safe and sanitary manner.

The City will not ask for or require an individual with a disability to pay a surcharge or to comply with other requirements generally not applicable to people without pets. However, an individual with a disability may be charged any damage caused by his or her Service Animal.

### **Requesting a Reasonable Modification**

Anyone wishing to utilize a Service Animal at City facilities and City sponsored activities should contact:

Anita Werling, Mayor– City of Delphi ADA Coordinator

201 South Union St.

Delphi, IN 46923

Phone: (765) 564-2097    TTY: 711    Email: [mayor@cityofdelphi.org](mailto:mayor@cityofdelphi.org)

To request this information in an alternative format, please contact Anita Werling-City of Delphi ADA Coordinator.

## City of Delphi Policy for Use of Mobility Devices

The City of Delphi has considered the following:

1. The type, size, weight, dimensions, and speed of mobility devices;
2. The volume of pedestrian traffic in the facilities of the Town;
3. The design and operational characteristics of the Town's facilities;
4. Whether legitimate safety requirements can be established to permit the safe operation of Other Power-Driven Mobility Devices ("OPDMD"), as defined herein; and
5. Whether the use of OPDMD, as defined herein, creates a substantial risk of serious harm to the immediate environment or natural or cultural resources.

The City hereby finds that the safety guidelines contained herein are reasonable based on the above considerations.

In accordance with the Americans with Disabilities Amendments Act and subsequent regulation, it is the policy of the City of Delphi, that mobility devices used by individuals with disabilities are permitted in all facilities and programs, in accordance with this policy.

### 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 indoor and outdoor locomotion." This definition includes mobility scooters.

A "mobility disability" is a disability under the ADA and includes a wide range of such 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 are 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.

### Mobility assistance devices:

**Use of wheelchairs and manually-powered mobility aids.** The City shall permit individuals with mobility disabilities to use wheelchairs and manually-powered mobility aids, such as walkers, crutches, canes, braces, or other similar devices designed for use by individuals with mobility disabilities in any areas open to pedestrian use.

**Use of Other Power- Driven Mobility Devices (OPDMD).** Only individuals with mobility disabilities may use Other Power-Driven Mobility Devices in areas of the Town's facilities or properties. Individuals with a mobility disability have the right to determine which OPDMD best suits their needs and can use the OPDMD of their choosing in accordance with the safety guidelines below. No combustion engine-powered Other Power-Driven Mobility Devices are allowed to be operated indoors because they may present a substantial risk of serious harm to operators, visitors and the immediate environment due to various concerns, including the risk of fire, the risk of fuel spill, engine noise, air quality, and the typical dimensions, weight and horsepower of such a device.

**Inquiry into Use.** A person using a wheelchair or OPDMD may not be asked about the nature and extent of the person's disability. A person using an OPDMD MAY be asked to provide "credible assurance" that the mobility device is required because of the person's mobility disability.

("Credible assurance" can be the person's State issued placard ID, or other proof of the disability or can be a verbal statement not contradicted by observable fact.)

### **Safety Regulations for OPDMD**

1. An OPDMD Is allowed in any area of a facility, park, or the City in which the general public is allowed, with the exception of stairways and hazardous areas; because of legitimate safety concerns based on actual risks;
2. An OPDMD must be controlled by the person riding the device;
3. An OPDMD must be operated in compliance with the following guidelines:
  - a. May not exceed 4 mph in an indoor facility or 6 mph at an outdoor park, facility or trail;
  - b. Shall be driven on the right side of the circulation route;
  - c. The total combined height of the OPDMD and the operator may not exceed the height of the lowest immovable building element or park feature located in the area such device is to be operated;
  - d. Is prohibited from carrying another person on the frame, or any object on the frame that may make the OPDMD less stable;
  - e. May not be driven into wet or ecologically sensitive areas;
  - f. If powered by an internal combustion engine for use outdoors only, be equipped with an approved spark arrestor muffler, and comply with all rules and standards created by federal and state agencies that regulate the emissions of hazardous air pollutants in effect at the time of device's manufacture.
  - g. May not be operated in a dangerous or reckless manner that jeopardizes the safety of the operator, City employees, or patrons.
  - h. Must have street tires; no knobby tires.
  - i. Emergency vehicles and City vehicles are exempt from these rules.

**Accommodation.** If a certain class of OPDMD cannot be accommodated because of legitimate safety concerns, the City will offer the service to the individual with a disability in an alternate manner, if possible.

### **Personal devices and services:**

This Policy does not require the City to provide to individuals with disabilities personal devices, such as wheelchairs or Other Power-Driven Mobility Devices.

### **Miscellaneous:**

1. The City accepts no responsibility for storage of any mobility device.
2. The City accepts no liability for damage to any mobility device, or injury to the operator, whether caused by the operator, another visitor to a City facility or site, the physical conditions of the City facility or site, or any other circumstance.
3. The City accepts no liability for damage caused by the operator of the device, or injury to others caused by the operator of the device.
4. The City accepts no liability for any injuries or property damage, to either the operator or others, resulting from the Town's failure to enforce this policy or to supervise the operator of an Other Power-Driven Mobility Device.
5. The City reserves the right to change, modify, or amend this policy at any time.
6. For questions, contact:

Anita Werling, Mayor– City of Delphi ADA Coordinator  
201 South Union St.  
Delphi, IN 46923

Phone: (765) 564-2097    TTY: 711    Email: [mayor@cityofdelphi.org](mailto:mayor@cityofdelphi.org)

# EFFECTIVE COMMUNICATION & PROVISION OF AUXILIARY AIDS AND SERVICES FOR PERSONS WITH DISABILITIES

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## POLICY:

The City of Delphi will take appropriate steps to ensure that persons with disabilities, including persons who are deaf, hard of hearing, or blind, or who have other sensory or manual impairments, have an equal opportunity to participate in our services, activities, programs and other benefits. The procedures outlined below are intended to ensure effective communication with all members of the public. The procedures also apply to, among other types of communication, communication of information contained in important documents, including but not limited to waivers of rights, consent to treatment forms, financial and insurance benefits forms, etc... All necessary auxiliary aids and services shall be provided without cost to the person being served.

All staff will be provided written notice of this policy and procedure, and staff that may have direct contact with individuals with disabilities will be trained in effective communication techniques, including the effective use of interpreters. The City will be using *The Disability Guidelines & Etiquette Handbook* **Appendix B** of this document, as a guide for practices and procedures when interacting with persons with disabilities.

## PROCEDURES:

### 1. Identification and assessment of need

The City of Delphi provides notice of the availability of and procedure for requesting auxiliary aids and services through notices on our website and in our brochures, handbooks, letters, print/radio /television advertisements, etc. and through notices posted in public meeting rooms and in each City department office. When an individual self-identifies as a person with a disability that affects the ability to communicate or to access or manipulate written materials or requests an auxiliary aid or service, staff will consult with the individual to determine what aids or services are necessary to provide effective communication in particular situations.

When an auxiliary aid is requested, staff will fill out the *Request for Auxiliary Aids and Services Form*, **Appendix A** of this document. Fill out section A of the form completely and give to the City's ADA Coordinator immediately or within an hour of receipt of the request in order to provide adequate time to accommodate the request.

### 2. Provision of Auxiliary Aids and Services

All requests for auxiliary aids and services should be directed to the City's ADA Coordinator. The ADA Coordinator is responsible for providing these aids and services in a timely manner. If a person knows in advance that they will need a particular aid or service, the City requests a 48-hour advance notice in order to better accommodate the request.

The ADA Coordinator is also responsible for maintaining records of all requests for auxiliary aids and services.

The name and contact information of City of Delphi's ADA coordinator is listed below:

Anita Werling, Mayor– City of Delphi ADA Coordinator

201 South Union St.

Delphi, IN 46923

Phone: (765) 564-2097 TTY: 711 Email: [mayor@cityofdelphi.org](mailto:mayor@cityofdelphi.org)

City of Delphi shall provide the following services or aids to achieve effective communication with persons with disabilities:

A. For Persons Who Are Deaf or Hard of Hearing

(i) For persons who are deaf/hard of hearing and who use sign language as their primary means of communication, Anita Werling is responsible for providing effective interpretation or arranging for a qualified interpreter when needed. In the event that an interpreter is needed, she is responsible for obtaining an outside interpreter if a qualified interpreter on staff is not available. The agencies that the City has made arrangements with and their information are listed in City of Delphi's Disability Guidelines and Etiquette Handbook for Employees.

(ii) Communicating by Telephone with Persons Who Are Deaf or Hard of Hearing

The City of Delphi utilizes relay services for external telephone calls with TTY users. We accept and make calls through a relay service. The state relay service number for Relay Indiana is 711 or 1-800-743-3333. The instructions for using this service are located in the *Disability Guidelines and Etiquette Handbook*.

(iii) For requests for other auxiliary aids and services, staff will contact, City of Delphi ADA Coordinator, Anita Werling.

(iv) Some persons who are deaf or hard of hearing may prefer or request to use a family member or friend as an interpreter. However, family members or friends of the person will not be used as interpreters unless specifically requested by that individual and *after* an offer of an interpreter at no charge to the person has been made by the facility. Such an offer and the response will be documented in the person's file. If the person chooses to use a family member or friend as an interpreter, issues of competency of interpretation, confidentiality, privacy, and conflict of interest will be considered. If the family member or friend is not competent or appropriate for any of these reasons, competent interpreter services will be provided.

**NOTE: Children and other residents will not be used to interpret, in order to ensure confidentiality of information and accurate communication.**

B. For Persons Who are Blind or Who Have Low Vision

(i) Staff will communicate information contained in written materials concerning treatment, benefits, services, waivers of rights, and consent to treatment forms and any other important information by reading out loud and explaining these forms to persons

who are blind or who have low vision. In addition, all the staff are available to assist persons who are blind or who have low vision in filling out forms and in otherwise providing information in a written format.

(ii) For requests for other auxiliary aids and services, staff will contact, City of Delphi ADA Coordinator, Anita Werling.

#### C. For Persons with Speech Impairments

(i) To ensure effective communication with persons with speech impairments, staff will contact the City of Delphi ADA Coordinator, Anita Werling.

(ii) For requests for other auxiliary aids and services, staff will contact, City of Delphi ADA Coordinator, Anita Werling.

#### D. For Persons with Manual Impairments

(i) Staff will assist those who have difficulty in manipulating print materials by holding the materials and turning pages as needed.

(ii) For requests for other auxiliary aids and services, staff will contact, City of Delphi ADA Coordinator, Anita Werling.

### Maintenance of Auxiliary Aids and Equipment

The ADA Coordinator, Anita Werling, will be responsible for the maintenance of all auxiliary aids, equipment, and accessible features.

28 CFR 35.130-135.135

II-3.10000 Maintenance of accessible features. Public entities must maintain in working order equipment and features of facilities that are required to provide ready access to individuals with disabilities. Isolated or temporary interruptions in access due to maintenance and repair of accessible features are not prohibited.

#### A. Procedure for Maintenance of Accessible Features

- (i) The ADA Coordinator will check all accessible features within all City facilities monthly, ensuring all parts are intact and in working order, batteries are charged/or are working. If any features are not working properly, they should be fixed immediately. If maintenance of any feature requires more than 24 hrs, document the issue and the amount of time taken to remedy the problem.
- (ii) For assistive listening systems and devices, the ADA Coordinator will use specifications outlined in the 2010 ADA Standards for Accessible Design Section 706, regarding checking and maintaining the operation of assistive listening systems and devices.

## ***Request for Auxiliary Aids and Services Form***

### **SECTION A** (To be filled out by the person taking the request)

Name of person making the request: \_\_\_\_\_

Best way to contact requester:      phone       email

Contact Information: phone \_\_\_\_\_ email \_\_\_\_\_

Date: \_\_\_\_\_ Time: \_\_\_\_\_

Type of Auxiliary Aid/Service requested:

\_\_\_\_\_

\_\_\_\_\_

### **SECTION B** (To be filled out by the ADA Coordinator)

Nature of Auxiliary Aid/Service provided:

Sign Language Interpreter       Certified Interpreter       Qualified Staff

Video Remote Interpretive services       Large Print       Assistance Filling-out Forms

Video Relay Services       Relay Indiana       Written Material       CART

Other  If other, please describe \_\_\_\_\_

Alternative Auxiliary Aid or Service provided, including information on CD, audiotape, Braille, large  
print of translated materials: \_\_\_\_\_

Date and time provided: \_\_\_\_\_

## ***Request for Auxiliary Aids and Services Form***

### **SECTION A** (To be filled out by the person taking the request)

Name of person making the request:

Best way to contact requester:      phone       email

Contact Information: phone       email

Date:       Time:

Type of Auxiliary Aid/Service requested:

text. \_\_\_\_\_

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### **SECTION B** (To be filled out by the ADA Coordinator)

Nature of Auxiliary Aid/Service provided:

Sign Language Interpreter       Certified Interpreter       Qualified Staff

Video Remote Interpretive services       Large Print       Assistance Filling Out Forms

Video Relay Services       Relay Indiana       Written Material       CART

Other  If other, please describe

Alternative Auxiliary Aid or Service provided, including information on CD, audiotape, Braille, large print of translated materials:

Date and time provided:

# Suggested Phrases for Providing Accessibility

The following phrases are provided as suggestions to provide persons with disabilities with equal access to programs and services;

- Use for advertisement of events, meetings, etc. on radio, television, website, flyers, brochures, in public announcements, etc.

To request an accommodation for (event, meeting) please contact;

Anita Werling, Mayor– City of Delphi ADA Coordinator

201 South Union St.

Delphi, IN 46923

Phone: (765) 564-2097    TTY: 711    Email: [mayor@cityofdelphi.org](mailto:mayor@cityofdelphi.org)

- This (event, meeting) will be held at an accessible site.
- Use for forms, letters, publications, informational posters/flyers & brochures/pamphlets, booklets, etc.
- To request this (information, form, flyer, brochure etc.) in an alternative format please contact;

Anita Werling, Mayor– City of Delphi ADA Coordinator

201 South Union St.

Delphi, IN 46923

Phone: (765) 564-2097    TTY: 711    Email: [mayor@cityofdelphi.org](mailto:mayor@cityofdelphi.org)

Use for both of the above:

To request an accommodation for this (event, meeting, etc.) or to request this (information) in an alternative format, please contact:

Anita Werling, Mayor– City of Delphi ADA Coordinator

201 South Union St.

Delphi, IN 46923

Phone: (765) 564-2097    TTY: 711    Email: [mayor@cityofdelphi.org](mailto:mayor@cityofdelphi.org)



# Suggested Phrases for Providing Accessibility

- Use wherever your phone # is listed; such as: documents, forms, flyers, ads, booklets, pamphlets, etc.

Ex:

Anita Werling, Mayor– City of Delphi ADA Coordinator

201 South Union St.

Delphi, IN 46923

Phone: (765) 564-2097 TTY: 711

Email: [Mayor@cityofdelphi.org](mailto:Mayor@cityofdelphi.org)

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