

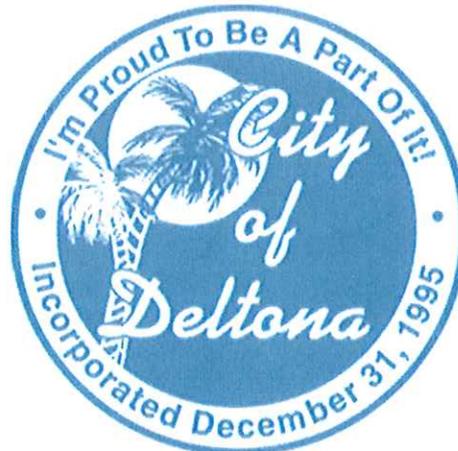
# *City of Deltona*

## *Americans with Disabilities Act (ADA) Transition Plan*

*Effective August 2012*

*Approved by the City Manager on August 10, 2012*

*Faith G. Miller*  
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Faith G. Miller, City Manager





# City of Deltona

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## Americans with Disabilities Act (ADA) Transition Plan

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### **I. BACKGROUND**

The Americans with Disabilities Act (ADA) was signed into law on July 26, 1990, providing comprehensive civil rights protections to individuals with disabilities in the areas of employment, public accommodations and State and local government services.

The City of Deltona is committed to providing accessible facilities and services to all Deltona residents and visitors. In accordance with the Department of Justice, the requirements of Title II of the Americans with Disabilities Act of 1990 and The Florida Building Code, Chapter 11, Accessibility, the City of Deltona will not discriminate against qualified individuals with disabilities on the basis of disability in City services, programs, or activities.

In an effort to provide amenities for persons with disabilities, the City offers a variety of services and activities. Our City Hall Commission Chamber is equipped with an assistive hearing device upon request. Qualified interpreters can be made available for City meetings with 48 hour advance notice to the City Clerk, Joyce Kent (386-878-8500).

The City of Deltona is regulated by Title II (State and Local Government Services) of the accessibility requirements, and may not discriminate on the basis of disability (28CFR F35.130). Each service, program, or activity must be operated so that, when viewed in its entirety, it is readily accessible to and usable by individuals with disabilities, unless it would result in a fundamental alteration in the nature of the service, program, or activity or in undue financial and administrative burdens. Structural changes, to meet “program accessibilities” requirements in existing buildings, may be required where other methods of achieving compliance are not effective. These structural changes must be documented with a specified time line for correction and an estimated cost along with where the money is coming from (i.e., General Fund, Capital Improvement Fund).

An evaluation is required and intended to examine programs, activities and services, identify problems or physical barriers that may limit accessibility by the disabled and describe potential compliance solutions.

### **II. DEFINITIONS**

As used in this Transition Plan (Plan), the following terms shall have the meaning ascribed to them in this Section, which are consistent with the provisions of existing federal and state law, including the regulations promulgated thereunder. Except to the extent expressly stated to the contrary, any term not expressly defined in this Section or elsewhere in this Transition Plan that has an expressly defined meaning in either the ADA or the regulations promulgated thereunder (“Regulations”), shall have the meaning ascribed to it by the ADA or the Regulations, in that order of preference. All other terms shall be interpreted according to their plain and ordinary meaning.

#### **ADA/ADAAG:**

“ADA” means and refers to the Americans with Disabilities Act as contained at 42 U.S.C. § 12101 et seq. “ADAAG” means and refers to the Americans with Disabilities Act Access Guidelines, codified at Appendix A to 28 Code of Federal Regulations part 36 and at Appendix A to 49 Code of Federal Regulations part 37. “ADAAG Standards” means and refers to physical conditions that meet the new construction and/or alterations standards set forth in ADAAG.

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### **Florida Building Code Accessibility (FBCA):**

Florida Building Code, Chapter 11- refers to Accessibility adopted pursuant to Section 553.503, Florida Statutes that any new construction and/or alteration standards set forth in the FBCA.

### **Compliance Period:**

“Compliance Period” means and refers to the period of time for which this Transition Plan will be in effect. The Transition Plan shall become effective upon Final Approval, and remain in effect for up to 30 years. The City may dissolve the Transition Plan at any time upon a showing that it provides Program Access to Pedestrian Rights of Way or upon a showing that it has met or exceeded the monetary obligations specified in this Transition Plan. Alternatively, the Transition Plan will remain in effect until it dissolves automatically 30 years after Final Approval.

### **Compliant Curb Ramp:**

“Compliant Curb Ramp” means and refers to a curb ramp that is constructed to comply with State and/or Federal law (whichever provides the higher access standard) in place at the time of construction. In the case of a location where it is Structurally Impracticable or Technically Infeasible to build a fully compliant curb ramp, or where construction of a fully compliant curb ramp would constitute a Fundamental Alteration of a service, program, or activity of the City of Deltona or an Undue Burden on the City of Deltona, a curb ramp that complies with access standards, or is constructed to the standards existing at the time of construction, or to the maximum extent feasible, will constitute a Compliant Curb Ramp as long as the requirements set forth in this Transition Plan for justifying the reasons for the City to avoid full compliance are met.

### **Curb Ramp:**

“Curb Ramp” is used interchangeably with “curb cut.”

### **Detectable Warnings:**

“Detectable Warnings” means and refers to truncated domes which provide a tactile surface at the transition between the curb and the street, assisting pedestrians with Vision Disabilities in determining when they enter the street.

### **Final Approval:**

“Final Approval” means and refers to the date when the City Manager approves the “Americans with Disabilities Act (ADA) Transition Plan” for the City of Deltona.

### **Fundamental Alteration:**

“Fundamental Alteration” means and refers to an action that, if taken by the City of Deltona, would result in a fundamental alteration in the nature of the service, program or activity of Pedestrian Rights of Way in the City of Deltona. If the City claims that any action otherwise required by this Transition Plan would constitute a Fundamental Alteration, the City shall have to demonstrate that such alteration would result, and the decision that an action would constitute a Fundamental Alteration must be made by the City Building Official, or his or her designee, after considering all funds available for such work, and must be accompanied by a written statement of the reasons for reaching that conclusion.

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### **Mobility Disability:**

“Mobility Disability” means and refers, with respect to an individual, to any physical or mental impairment or condition that substantially limits an individual’s ability to move his or her body or a portion of his or her body and includes, but is not limited to, orthopedic and neuromotor disabilities and any other impairment or condition that limits an individual’s ability to walk, maneuver around objects, ascend or descend steps or slopes, and operate controls. An individual with a Mobility Disability may use a wheelchair or motorized scooter for mobility, or may be Semi-Ambulatory.

### **Pedestrian Rights of Way:**

“Pedestrian Rights of Way” means and refers to all sidewalks over which the City of Deltona has responsibility or authority as well as all Curb Ramps and crosswalks serving such sidewalks and any other pathways used by pedestrians along public rights of way, including pedestrian pathways through public parking lots.

### **Statutory Defenses:**

“Statutory Defenses” means and refers to the City’s right to assert under this Transition Plan that removal of any barrier or installation of a Compliant Curb Ramp is not required because such barrier removal or curb ramp installation would be Technically Infeasible, or Structurally Impracticable, or that it would constitute an Undue Burden or Fundamental Alteration.

### **Structurally Impracticable:**

“Structurally Impracticable” means and refers to circumstances in which the unique characteristics of terrain prevent the incorporation of accessibility features. If it is structurally impracticable to provide full access at any location along Pedestrian Rights of Way, the City shall comply with access requirements to the extent that it is not structurally impracticable to do so. (See ADAAG § 4.1.1(5) (a), FBCA Sec 203.15).

### **Technically Infeasible:**

“Technically Infeasible” means, with respect to an alteration of a building, facility or Pedestrian Rights of Way, that it has little likelihood of being accomplished because existing physical or site constraints or a lack of public right of way prohibit modification or addition of elements, spaces, or features which are in full and strict compliance with the minimum requirements for new construction and which are necessary to provide accessibility (See ADAAG § 4.1.6(1)(j), FBCEB Sec 202).

### **Third Party Entity:**

“Third-Party Entity” means an entity other than the City of Deltona that controls certain barriers or elements of barriers in a Pedestrian Rights of Way. Transit agencies and local utilities are examples of Third Party Entities.

### **Undue Burden:**

“Undue Burden” means and refers to an action that, if taken by the City of Deltona, would result in an undue financial and administrative burden. In order to demonstrate that removal of a barrier would constitute an Undue Burden, the decision must be made by the City Building Official, or designee, after considering all resources available from the City General Fund, and any other source of funding identified in this Agreement available for removal of sidewalk barriers, and must be accompanied by a written

statement of the reasons for reaching that conclusion. In preparing such a statement, the City Building Official or designee may consider the usability of the existing facilities.

### **III. DELTONA GOVERNMENT**

The City desires to be proactive in removing the existing barriers. The City will work diligently to reduce/eliminate all barriers identified in the Transition Plan. Although the Building, Parks and Facilities Transition Plan has been prepared with proper care and attention, it must be understood that there is a possibility of it containing inadequacies and/or errors. The ADA guidelines/regulations along with the Florida Building Codes could change, so flexibility with interpretations and code updates may be required. Further, because of the broad scope of all City programs and services and the multitude of locations from which they are accessed, the City's Transition Plan is intended to be a fluid document that can and will be refined, changed and expanded during its continued life. The City understands the possibility of the need to amend its Plan and stands ready to review and consider suggestions and input.

#### **Park accessibility for visitors with disabilities**

Deltona welcomes all visitors to its many and varied outdoor recreation areas. Many people share a love for the great outdoors and enjoy the recreational opportunities that abound. Nature has a therapeutic power to reinvigorate the body and spirit. Outdoor activities provide social interaction and offer a welcome break from the routine of our lives. The sights, sounds, and smell of the great outdoors belong to all of us to enjoy.

Deltona Government is always working to upgrade and improve its facilities to expand accessibility for people with disabilities. Our website is updated periodically to include new information. However, we strongly encourage disabled visitors to call each facility or park, or the Deltona Parks & Recreation main administrative office at City Hall, before visiting, to ensure the information is current. Some facilities may not be accessible to all people of all disabilities.

The Deltona Parks and Recreation Department is developing an online park summary for people with disabilities. Volunteers with disabilities, along with City staff, are conducting a survey of all City parks, assessing accessibility from their unique perspective. The ratings will be based on the ability of a person in a wheelchair to navigate the facilities.

#### **Environmental variables within City Parks**

Change is an integral part of the natural landscape. Seasonal changes and environmental situations that occur may quickly alter the condition of facilities, trails and beaches. As a result, Deltona cannot ensure that information about our parks on our City web site is always current, nor can we guarantee that each park or facility listed is open and available for public use.

#### **Service animals in City Parks**

Service animals are permitted in all City Parks. Please observe these service animal guidelines:

- Pets must be kept under restraint and control at all times.
- Owners must clean up after their pet.
- Dangerous or aggressive animals will not be tolerated in any park.
- Help Deltona protect native plants and animals within the park boundaries by not allowing your dog or pet to run freely.

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### **Zero Depth/SPLASH Pad**

In 2007, the City purchased a wheelchair for individuals who might desire to use it to access our SPLASH Pad (a water fun area) located at Wes Crile Park. It is our hope that this water environment could become a pleasurable destination point for people with disabilities. Other elements located at Wes Crile Park include: accessible parking, companion accessible restrooms, accessible picnic tables, accessible playground; a gymnasium, shade areas and sitting areas overlooking the SPLASH Pad at Wes Crile Park.

### **IV. ADA COORDINATOR**

The City Manager has designated the City Building Official as the ADA Coordinator. This position is responsible for ensuring that all programs, services, and activities of the City of Deltona are accessible to and usable by individuals with disabilities. The City's ADA Coordinator is:

Steve Roland, City Building Official  
City of Deltona  
2345 Providence Blvd.  
Deltona, Florida 32725  
(386) 878-8653 (phone)  
(386) 878-8651 (fax)

To request an ADA accommodation or file an ADA grievance, contact the ADA Coordinator and follow the established procedures outlined in Section VIII.

A Transition Plan has been created and we are in the process of identifying barriers to accessibility, type of renovation and the approximate time of the barrier removal. It is our intention to receive input from the disability community. The Parks and Recreation Citizen Accessibility Advisory Sub-Committee has agreed to serve in this capacity.

Phase I of this Transition Plan is a work in process, and we are inspecting all of the Buildings, Parks and Facilities owned and used by the City of Deltona for ADA, ADAAG and Florida Building Code Accessibility Compliance. Buildings and Facilities will be grouped into two categories: those that are in compliance and those that are not. The buildings and facilities that need work to be in compliance will be ranked to prioritize the buildings with the greatest public access to services or programs. We will also be developing Phase II of the Transition Plan, which is to assess the streets and sidewalks within the City of Deltona.

Phase II will be completed by the Public Works Department, which will make a survey to include taking pictures and compiling a data base that will link to the photos of any street curb or sidewalk which is not in compliance. The resulting information will be incorporated into the Transition Plan. The Plan must include projects to be completed, cost estimates and projected completion dates; the funding source for these projects will also be in the Plan.

### **V. ADA CITIZEN ACCESSIBILITY ADVISORY SUB-COMMITTEE**

The City of Deltona has established an ADA Citizen Accessibility Advisory Sub-Committee ("ADA Advisory Committee") comprised of representatives from City government and Deltona residents. The Committee meets monthly to discuss issues related to disability and access. If the ADA Advisory Committee is disbanded or becomes inactive at any time during the life of this Transition Plan, the

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responsibilities of the ADA Advisory Committee under this Transition Plan, as set forth below, will be assigned to its successor, if any, or to the City Building Official.

The ADA Advisory Committee is charged with specific responsibilities under this Transition Plan related to barrier removal and access along the City's Pedestrian Rights of Way. For the life of this Transition Plan, the ADA Advisory Committee, or its successor, shall have ongoing responsibility for the following:

### **A. Selection and Prioritization of Barrier Removal Projects**

The Advisory Committee shall make recommendations regarding barrier removal projects to be prioritized and funded from the City General Fund Budget annually. The recommendations of the Advisory Committee shall be submitted to the Parks and Recreation Director for review/consideration and approval. The City Manager shall coordinate the request with the City Commission, who in turn will have final authority over the approval and authorization of projects.

### **B. Barriers to be Addressed**

The Advisory Committee in coordination with the Parks and Recreation and Public Works Director(s) may be used for the following projects: (1) Installing Compliant Curb Ramps, including Detectable Warnings (at intersections where there are no curb ramps or where existing curb ramps do not meet current access standards); (2) Removing abrupt changes of level, whether caused by tree roots or any other deterioration or displacement of the surface of the Pedestrian Rights of Way; (3) Providing accessible crosswalks (by providing appropriate contrasting striping, developing or maintaining a policy concerning audible pedestrian signals, providing accessible pedestrian crossing controls, and removing any abrupt changes in level affecting the path of travel across the street; crosswalk access does not require any effort to remove slopes or cross slopes consistent with the slope of the street for vehicle traffic and/or drainage); (4) Removing obstacles in the Pedestrian Rights of Way that narrow the pedestrian pathway to less than 32 inches; (5) Removing or providing Detectable Warnings for overhanging obstacles below 80 inches above the Pedestrian Rights of Way that are not detectable to a blind pedestrian using a cane; and (6) Removing excessive cross slopes perpendicular to the primary direction of travel along the Pedestrian Rights of Way, whether caused by driveways crossing the Pedestrian Rights of Way or by any other reason.

### **C. General Prioritization Standards**

The following general principles will be used by the ADA Advisory Committee through the Parks and Recreation Department and the City Building Official to prioritize projects to be funded through the City General Fund Budget. Requests for installation of a Compliant Curb Ramp or removal of a specific barrier or barriers shall have the highest priority. After requests, priority will be given to Pedestrian Rights of Way serving (1) State and local government offices and facilities; (2) important transportation corridors; (3) places of public accommodation such as commercial and business zones; (4) facilities containing employers; and (5) other areas such as residential neighborhoods and undeveloped regions of the City. In all planned projects, consideration will also be given to the severity of existing barriers and overall efficiency of project work. The Advisory Committee in coordination with the Parks and Recreation Department, the Public Works Department and the City Building Official, has discretion to authorize the removal of barriers in lower priority categories before removing barriers in higher priority categories if they deem such prioritization to be a more effective or efficient use of barrier removal resources.

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### **D. Annual Selection Process**

Every year, the Advisory Committee shall recommend and prioritize a list of barrier removal projects during the Departmental Budget process, prior to the beginning of the new fiscal year. This list will be provided to the Parks and Recreation Department and Public Works Department for review, who in turn will discuss it with the City Building Official, who will recommend and prioritize a final listing as part of the Departmental Budget process.

### **E. Limitations on Barrier Removal**

Under no circumstances will the City be obligated to remove any barrier if removal of such barrier would create an Undue Burden or a Fundamental Alteration, or if removal of such barrier would be Technically Infeasible or Structurally Impracticable. To the extent that the City determines that it would be an Undue Burden or Fundamental Alteration to remove a particular barrier, or that removal of a particular barrier would be Technically Infeasible or Structurally Impracticable, it must include such a determination in its regular reports as set forth below. Further, under no circumstances will the City be obligated to initiate eminent domain proceedings against a property owner in order to address any barrier.

### **F. Barriers under Control of Third Party Entities**

Certain barriers in the Pedestrian Rights of Way involve elements under the control of entities other than the City of Deltona. The City has no right or obligation to remove such barriers unilaterally. The City may, but has no obligation to, seek funding or participation in barrier removal work from such third party entities, which may include transit agencies, local utilities, or other entities that maintain equipment in the Pedestrian Rights of Way. Any contribution of money for barrier removal work by third party entities or any work done by such third party entities to remove barriers will be in addition to the work done based on the other obligations set forth in this Transition Plan.

## **VI. FUNDING**

### **A. City General Fund**

All work described in this Transition Plan shall be paid for through the City General fund with the exception of work done in conjunction with street overlays and reconstruction, work done using dedicated funding, and work affecting barriers under the control of third party entities. Projects using the money from the General Fund will be recommended by the City's ADA Advisory Committee through the Parks and Recreation Department/Building Official with reference to the general guidelines set forth in this Transition Plan and with the approval of the City Manager and City Commission.

### **B. Leveraging Additional Funding Sources and City Programs**

The Advisory Committee shall confer with the City's ADA Coordinator a minimum of one time per year to assess how to best leverage additional City funds, if any, and/or additional City Programs, if any, that can be used to install Compliant Curb Cuts or remove barriers along the City's Pedestrian Rights of Way.

**C. Additional Funding**

If the City obtains dedicated funding for any additional street overlays or reconstruction, it will ensure that Compliant Curb Ramps are installed at each intersection as part of the overlay or reconstruction project. If the City obtains dedicated funding for redevelopment work that includes complete removal and reconstruction of a section of Pedestrian Rights of Way, the City will ensure that the reconstructed sidewalk is accessible, subject to all available defenses.

**VII. RIGHTS OF WAY ACCESSIBILITY**

**A. City Monitoring of New Permitted Development and Alterations**

The City will monitor all permitted construction work approved after the Effective Date of this Transition Plan affecting the Pedestrian Rights of Way to ensure that it conforms to the requirements set forth in this Transition Plan. In any location where an access feature required under the terms of this Transition Plan does not fully conform to access standards, and where the City claims that full compliance is not required due to any Statutory Defense, the City's explanation of its determination that full access is not required will be included and explained in the next Annual Report.

**B. City Monitoring of Permitted Work to Existing Driveways**

The City will monitor all permitted work for existing driveways. The City will not approve any permit to modify an existing driveway that would create an unreasonable cross-slope or worsen an existing cross-slope within the path of travel along Pedestrian Rights of Way.

**C. Sidewalk Maintenance Program**

Under Deltona Code of Ordinances, Sec 96-41 – Walkways and bicycle facilities.  
*Sidewalks.*

*Paved sidewalks*, a minimum of four feet in width shall be installed on both sides of all local streets within a new development, and within the City when any new building or residence is built. Alternative path systems within a new development may be approved by the DRC in addition to sidewalks. Specifications for materials and design of sidewalks or alternative path systems shall be approved by the City Engineer or his or her designee, and shall be designed and constructed in accordance with such standards as may from time to time be published by the City Engineer. Construction of sidewalks or alternative path systems shall be the responsibility of the developer or the abutting property owner, as appropriate, at their sole cost and expense. However, the City Commission may from time to time approve sidewalk or alternative path construction at City expense in a sidewalk construction program prepared by the City Engineer under the direction of the City Manager. The sidewalk construction program shall be consistent with the City's capital improvements plan and comprehensive plan. Funding of sidewalk construction shall be from the sources adopted by the Commission as a part of the program, and may include assessments of abutting property owners. Maintenance and replacement of the sidewalks or alternative path systems within a development and within the City shall be the responsibility of the abutting property owner. Sidewalks shall be located in the right-of-way or adjacent easements of said street(s) but not closer than one foot to the abutting property line. Sufficient distance from obstacles such as fire hydrants, drainage inlets, manholes, utility structures and trees shall be maintained for the safety of the walkway users. No sidewalk shall be located within the appropriate recovery area of the traveled way of said street. Where the sidewalk is curved there shall be no unsafe curves or sudden elevation changes in the sidewalk which would present a hazard to the users.

**D. Preventative Efforts to Deter Movable Barriers**

Subject to its discretionary authority under the provisions of Florida Government Code §818.2, the City will take reasonable steps to prevent or deter the placement of movable barriers on sidewalks, which may, but need not include conducting public information campaigns through mailers, providing community information, and utilizing other avenues of communication recommended by the Advisory Committee. The Advisory Committee may consult with the City's Enforcement Services Director to increase public awareness of issues related to access along the City's Pedestrian Rights of Way. The Advisory Committee may, at its discretion, recommend/request use of funding to promote increased awareness of disability access issues within the community.

**E. Slurry Seal Requirement**

The City will include in any slurry sealing work or cape sealing work it performs, a requirement to look for excessive build up which can create an inaccessible "lip" in the curb ramp area and will grind down any such lips subject to the City's claim that such work is subject to any Statutory Defenses.

**VIII. REPORTS AND MONITORING**

**A. Annual Report**

At the conclusion of each fiscal year until the end of the Compliance Period, the City shall provide a report ("Annual Report") to the City Manager describing the actual work done to implement this Transition Plan during the previous twelve months and a prospective plan of projects the City plans on undertaking to improve access to Pedestrian Rights of Way in the upcoming year. The Annual Report will be completed within one hundred and twenty (120) days from the end of the fiscal year and will include:

1. A summary or listing of all written complaints or requests for removal of particular barriers received since the prior report, including information specifying whether the City has taken action to remove the barrier.
2. Summaries of work done to ensure access and/or remove access barriers in conjunction with asphalt overlay projects, projects completed with dedicated funds and projects completed.
3. A list of all barriers, if any, for which the City asserts that it has a Statutory Defense excusing installation of a Compliant Curb Ramp or removal of an access barrier. If the City asserts that it has a Statutory Defense that limits its ability to remove a barrier or to install a Curb Ramp that meets all current standards, the City will include in the report a written statement by the City Building Official or designee providing the reasons for reaching that conclusion. To the extent that the City claims that installation of a fully compliant Curb Ramp or removal of an existing barrier would be an Undue Burden, the written statement will include his or her consideration of all resources available from the Advisory Committee Fund and any other source of funding set forth in this Agreement as available for the removal of access barriers.
4. Information regarding the removal of barriers along the Pedestrian Rights of Way from the City Building Official.
5. Information describing efforts made by the City or Advisory Committee to leverage additional programs or funding sources to install Compliant Curb Ramps or remove access barriers in the Pedestrian Rights of Way.

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6. Information regarding efforts at Community Outreach, and any action being taken as a result of such community outreach.
7. Information documenting all barrier removal efforts accomplished in conjunction with Third Parties (such as utility companies).
8. A prospective plan of projects for the upcoming year based on the priority recommendations of the City's ADA Advisory Committee, and approved by the City Manager or his/her designee.
9. A Monitoring Report, as described below, for the first three years of the Compliance Period.

### **B. Monitoring Report**

The City of Deltona will utilize a Registered Professional Civil Engineer who is either employed by the City through the Public Works Department or designated by the City Building Official to monitor the City's compliance with this Transition Plan for a period of three years from the date of execution. The Building Official will annually inspect 8-10% of the locations within the Pedestrian Rights of Way at which barriers have been removed to ensure that such barrier removal is completed properly within acceptable tolerances. Such inspections will determine whether there are remaining barriers at sites that were identified as having all barriers removed, or whether barrier removal work was completed properly. The Building Official will annually produce a report ("Monitoring Report") containing his or her findings to the City. The Monitoring Report may be prepared in conjunction with or as part of the Annual Report at the discretion of the City Manager.

## **IX. ACCOMMODATION AND GRIEVANCE**

### **A. Requesting an ADA Accommodation**

The request for accommodation should include the name, address and telephone number of the individual requesting the accommodation (see Attachment 2—Request for Accommodation Form). The request should contain the location of the program, service, activity or facility where the accommodation is required and a description of why the accommodation is needed. Complete the form and submit it to:

Steve Roland, ADA Coordinator, City Building Official  
City of Deltona  
2345 Providence Blvd  
Deltona, Florida 32725  
(386) 878-8653 (phone)  
(386) 878-8651 (fax)

Within fifteen (15) calendar days of the written request, the ADA Coordinator will respond to the individual requesting the accommodation. If the response by the ADA Coordinator does not satisfactorily resolve the issue, the individual making the request may file a formal grievance as indicated in Section B below. All Requests for Accommodation received by the ADA Coordinator will be kept by the City of Deltona as required by law.

**B. Filing an ADA Grievance**

This Grievance Procedure is established to meet the requirements of the Americans with Disabilities Act (ADA). It may be used by anyone who wishes to file a complaint alleging discrimination on the basis of the disability in the provision of services, activities and programs by the City of Deltona.

**Step 1 – The Written Complaint**

The complaint should be in writing and contain information about the alleged discrimination such as name, address and phone number of the complainant and location, date and description of the problem (see Attachment 3 for Filing an ADA Grievance Form). Alternative means of filing complaints will be made available for persons with disabilities upon request.

Contact the ADA Coordinator to request this information in an alternate format or the “Request for Accommodation” or “ADA Grievance” forms. The complaint should be submitted by the complainant as soon as possible, but no later than ninety (90) calendar days after the alleged violation (or discovery thereof) to:

Steve Roland, ADA Coordinator, City Building Official  
City of Deltona  
2345 Providence Blvd  
Deltona, Florida  
(386) 878-8653 (phone)  
(386) 878-8651 (fax)

**Step 2 – Meeting with the ADA Coordinator**

Within fifteen (15) calendar days of the written complaint, the ADA Coordinator will meet with the complainant to discuss the complaint and possible resolutions. Within fifteen (15) calendar days after the meeting, the ADA Coordinator will respond in writing or in a format accessible to the complainant. The response will explain the position of the City of Deltona and offer options for resolution of the complaint.

**Step 3 – Appeal to the City Manager**

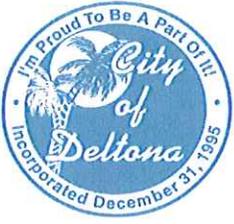
If the response by the ADA Coordinator does not satisfactorily resolve the issue, the complainant may appeal the decision, within fifteen (15) calendar days after receipt of the response, to the City Manager or an appointed representative.

Within fifteen (15) calendar days after receipt of the appeal, the City Manager, or an appointed representative, will meet the complainant to discuss the complaint and possible resolutions. Within fifteen (15) calendar days after the meeting, the City Manager, or an appointed representative, will respond in writing or in a format accessible to the complainant of final resolutions to the complaint.

All written complaints received by the ADA Coordinator, appeals to the City Manager, and responses from the ADA Coordinator and the City Manager, will be kept by the City of Deltona as required by law.

**C. Accommodation and Grievance Response**

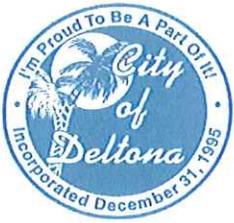
In responding to request(s) for structural improvement brought through the ADA Accommodation and Grievance process, the ADA Coordinator is limited in funding, but it will be spelled out in Phase II of the Transition Plan. In the event that these allocated funds are insufficient or already spent, subsequent improvements will be prioritized and scheduled in subsequent fiscal years.



# City of Deltona

ATTACHMENT 1:

**SIDEWALK INSPECTION FORM**



# City of Deltona

## Sidewalk Inspection Form

### Compliance with Standards

Note: All sidewalks should comply with the City's current design and construction standards. Where it is infeasible to construct or reconstruct a sidewalk to current standards, the Designer or Inspector must complete the Findings for Non-compliance Element(s) section below and state what the non-compliant element(s) are and the reason for the non-compliance. A drawing or picture can be included in the box below. After completing this form, submit it to the ADA Program Access Coordinator for acceptance and then signature by the City Manager.

Finding for Non-Compliance Element(s):

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\_\_\_\_\_  
Designer/Inspector    Date

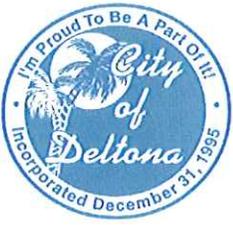
\_\_\_\_\_  
ADA Coordinator    Date

\_\_\_\_\_  
City Manager    Date

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Signature

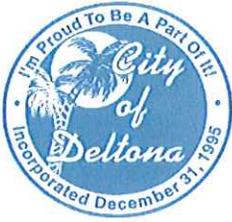
\_\_\_\_\_  
Signature



# *City of Deltona*

ATTACHMENT 2:

**REQUEST FOR ACCOMMODATION FORM**



# City of Deltona

Title II of the Americans with Disabilities Act  
Section 504 of the Rehabilitation Act of 1973

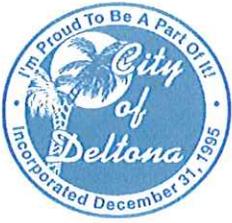
## REQUEST FOR ACCOMMODATION FORM

**Instructions:** Please fill out this form completely, using black ink or typing. Sign and send it to the address at the bottom of the page. This form is available in alternate formats by request.

<b>Reporting Individual:</b>	
Name and Address:	
City, State, ZIP	
Telephone Number(s):	Home: _____ Business: _____
<b>Service Program or Facility Requiring Accommodation:</b>	
Name of Service/Program/Facility:	
Address:	
City, State, ZIP	
Telephone Number:	
Date of Incident or Discovery:	
<b>Describe the reason for requiring the requested accommodation (please feel free to use additional attachments as necessary):</b>	
<b>Action taken (office use only)</b>	<b>Date of Action:</b>
Signature of Reporting Individual:	
Date:	

Please mail this form to: City of Deltona, 2345 Providence Blvd., Deltona FL 32725

For office use: File No. \_\_\_\_\_ Date Received: \_\_\_\_\_ Received by: \_\_\_\_\_



# City of Deltona

ATTACHMENT 3:

**CITY OF DELTONA ADA COMPLAINT/GRIEVANCE FORM**



# City of Deltona

## ADA Complaint/Grievance Form

Complainant: \_\_\_\_\_

Person Preparing Complaint (if different from above): \_\_\_\_\_

Relationship to Complainant: \_\_\_\_\_

Street Address & Apt. No.: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: (\_\_\_\_) \_\_\_\_\_ E-Mail: \_\_\_\_\_

Please provide a complete description of the specific complaint or grievance:

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Please specify any location(s) related to complaint or grievance (if applicable):

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Please state what you think should be done to resolve the complaint or grievance:

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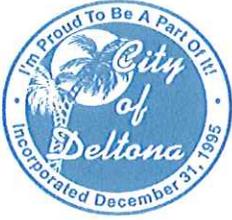
Please attach additional pages as needed.

\_\_\_\_\_ Please do not contact me personally

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Return to: City of Deltona, ADA Program Coordinator, 2345 Providence Blvd. Deltona. FL. 32725

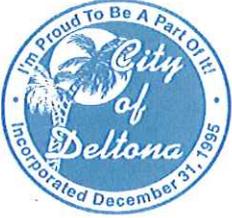
Upon request, reasonable accommodation will be provided in completing this form, or copies of the form will be provided in alternative formats. Contact the ADA Program Coordinator at the address listed above, via telephone (386) 878-8653, Fax (386) 878-8951, or e-mail: [sroland@deltonafl.gov](mailto:sroland@deltonafl.gov)



# *City of Deltona*

ATTACHMENT 4:

**ADA NOTICE – AMERICANS WITH DISABILITIES ACT OF 1990**



# City of Deltona

## ADA NOTICE AMERICANS WITH DISABILITIES ACT OF 1990

In accordance with the requirements of Title II of the Americans with Disabilities Act of 1990, the City of Deltona will not discriminate against qualified individuals with disabilities on the basis of disability in the City's services, programs, activities or employment.

**Employment:** The City of Deltona 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 Americans with Disabilities Act (ADA).

**Effective Communication:** The City of Deltona 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's programs, services, activities, meetings, or employment. Our City Hall Commission Chambers is equipped with an assistive hearing device upon request. Qualified interpreters can be made available for City meetings with 48 hours advance notice to the City Clerk, Joyce Kent (386-878-8500).

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

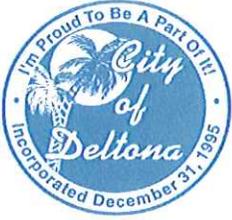
Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a City program, service or activity, should contact the following:

- For *employment* related issues, contact the Human Resources Director at **386-878-8750**
- For *services, events and activities* related issues, contact the Parks & Recreation Director at **386-878-8900** but no later than 48 hours before the scheduled event
- For *City facilities use and access* related issues, contact the Building Official/ADA Coordinator at **386-878-8653**

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

**Complaints:** Complaints that a City program, service, activity or facility is not accessible to persons with disabilities should contact the **City's ADA Coordinator, Steve Roland, at 386-878-8653.**

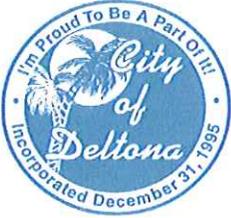
The City of Deltona will not place a surcharge on a particular individual with a disability or any group of individuals with disabilities to cover the cost of providing auxiliary aids/services or reasonable modifications of policy.



# City of Deltona

ATTACHMENT 5:

**GRIEVANCE PROCEDURE UNDER THE AMERICANS WITH DISABILITIES ACT**



# City of Deltona

## **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. 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. 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 90 calendar days after the alleged violation to:

**City of Deltona  
Steve Roland, ADA Coordinator  
2345 Providence Blvd.  
Deltona, FL 32725  
386-878-8653**

Within 15 calendar days after receipt of the complaint, the ADA Coordinator will meet with the complainant to discuss the complaint and the possible resolutions. Within 15 calendar days of the meeting, the ADA Coordinator 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 and offer options for substantive resolution of the complaint.

If the response by the ADA Coordinator 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 Manager or his/her designee.

Within 15 calendar days after receipt of the appeal, the City Manager or his/her designee will meet with the complainant to discuss the complaint and possible resolutions. Within 15 calendar days after the meeting, the City Manager or his/her designee will respond in writing, and, where appropriate, in a format accessible to the complainant, with a final resolution of the complaint.

All written complaints received by the ADA Coordinator, appeals to the City Manager or his/her designee, and responses will be retained by the City for at least three (3) years.

**OFFICE OF THE CITY MANAGER**  
2345 Providence Boulevard, Deltona, Florida 32725  
Deltona City Hall (386) 878 -8100 • Fax (386) 878-8851  
Webpage: [www.deltonafl.gov](http://www.deltonafl.gov)