

Otterbein ADA Transition Plan

Spring 2022

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ADA TRANSITION PLAN

FOR THE TOWN OF OTTERBEIN, INDIANA

Introduction

This plan is a living document that shall be updated and modified to reflect current ADA compliance efforts for the Town of Otterbein. The Town of Otterbein is governed by the following parties who all endorse the policies outlined in the plan:

Otterbein Town Council: Amy Brown, President
Jackey Apache, Vice President
Doyle Allison
Rick Hadley
Daniel Klumpe

ADA/Title VI Coordinator: Lukas Darling, MPA

Overview & Mission

The Americans with Disabilities Act of 1990 (ADA) is a law enacted by the U.S. Congress in 1990. It was signed into law on July 26, 1990 by President George H.W. Bush, and later amended with changes effective January 1, 2009. As written and implemented, the ADA provides comprehensive civil rights protections to persons with disabilities in the areas of employment, state and local government services, access to public accommodations, transportation, and telecommunication. The ADA is companion civil rights legislation to the Civil Rights Act of 1964 and Section 504 of the Rehabilitation Act of 1973. In order to be protected by the ADA, one must have a disability or have a relationship or association with an individual with a disability. An individual with a disability is defined by the ADA as a person who has a physical or mental impairment that substantially limits one or more major life activities, a person who has a history or record of such impairment, or a person who is perceived by others as having such impairment. The ADA, however, does not specifically name all of the impairments that are covered. The ADA is divided into five sections covering the following topics:

- Title I: Employment
- Title II: Public Services (and Transportation)
- Title III: Public Accommodations (and Commercial Facilities)
- Title IV: Telecommunications
- Title V: Miscellaneous Provisions

Title II of the ADA requires that services, programs, and activities be accessible to individuals with disabilities. The Town of Otterbein, Indiana recognizes its legal obligation to comply with Title II of the ADA and hereby establishes a transition plan to ensure compliance of this federal law, rules, and regulation. Therefore, the Town of Otterbein will attempt to identify barriers, a means to address complaints of discrimination, encourage public input to assess, address, and meet access needs, and establish a periodic review of the plan to monitor progress and compliance. The purpose of the plan is that the residents of the Town of Otterbein are provided full access to Town programs, services, and activities in a safe and timely manner. The Town elected officials and staff believe the ability to accommodate disabled persons is essential to the quality of life in the Town of Otterbein and effective governance.

Non-Discrimination Notice

The ADA notice is attached in [Appendix A](#) as part of this plan. It will be posted at the Otterbein Town Hall, on the Town website, and published in a local newspaper on an annual basis.

Designation of an ADA/Title VI Coordinator

Effective communication is essential to address all the complaints or concerns of all individuals. In order to keep the lines of communication open, and thereby ensure effective communication between all parties, the Town has designated the below listed person as the ADA/Title VI Coordinator. The ADA/Title VI Coordinator shall coordinate the Town's efforts to comply with and carry out its responsibilities under Title II of the ADA, including any investigation of any complaint communicated to the ADA/Title VI Coordinator. Such complaints may take the form of alleging noncompliance with ADA mandates or alleging any actions that would be prohibited under the ADA. The Town shall make available to all interested individuals the names, office address, and telephone number of the employee so designated and has adopted procedures for the prompt and equitable resolution of complaints. Every complaint must be directed in writing to the ADA/Title VI Coordinator. The ADA/Title VI Coordinator shall also ensure that all provisions of this transition plan are regularly updated and maintained in compliance with the law. The ADA/Title VI Coordinator shall maintain updated ADA Transition Plans for all contractors affiliated with the Town of Otterbein.

ADA/TITLE VI COORDINATOR CONTACT INFORMATION

ADA/Title VI Coordinator: **Lukas Darling, MPA**
Address: **111 S Main Street, PO Box 215, Otterbein, IN 47970**
Phone Number: **765-583-3430**
Email: LDarling@otterbein.in.gov

Grievance Procedure

The Grievance Procedure, attached as Appendix B and made a part of this Plan, is intended to adhere to the standards outlined in the ADA. The procedure must be used by anyone who wishes to file a complaint alleging discrimination on the basis of disability in the provisions of services, activities, programs, or benefits provided by the Town. 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. The grievance form, attached in Appendix B and made a part of this Plan, must be used to lodge a complaint, and will be made accessible to those seeking to lodge a complaint. If necessary, staff shall complete the form for the complainant with a second witness (preferably a representative of the complainant).

Design Standards for Accessibility

The standards listed below are intended to apply to all construction undertaken within the Town. The Indiana Department of Transportation design guidelines and standards drawings will serve as the primary standards and guidelines for this plan with regard to streets and sidewalks. The U.S. Department of Justice guidelines and standards drawings will serve as the primary standards and guidelines for this Plan with regard to buildings and other public places owned by the Town. Other standards, if necessary, will be applied at the discretion of the ADA/Title VI Coordinator.

Sidewalks & Curb Ramps: Sidewalks and curb ramps constructed as part of a planned development, replaced by or for the Town, or replaced by or for a property owner shall be constructed in accordance with the PROWAG (Proposed Accessibility Guidelines for Pedestrian Facilities in the Public Right of Way) regulations and standards as well as the Indiana Department of Transportation design standards and specifications. Current links are provided below:

PROWAG: <https://www.access-board.gov/attachments/article/743/nprm.pdf>

INDOT: <https://www.in.gov/dot/contracts/standards/drawings/sep12/e/sep600.htm>

Buildings & Public Facilities: Access to public facilities will be evaluated and documented. ADA accessible interiors of these facilities shall meet with compliance standards listed in the Americans with Disabilities Act Accessibility Guidelines (ADAAG). Any further improvements, developments, or alterations shall be required to meet ADAAG standards as outlined in the link below:

ADAAG: <http://www.access-board.gov/adaag/html/adaag.htm>

Public Involvement Opportunities

The general public is encouraged to participate in identifying needs or barriers to accessibility. This may be done by contacting the ADA/Title VI Coordinator.

The Transition Plan shall be available in the Town Hall for viewing and will be published on the Town's website. Anyone that would like to comment on the Transition Plan can submit their comments to the ADA/Title VI Coordinator.

Every two (2) years, the Town will include ADA as an official agenda item for a Town meeting, to ensure the public and town officials may be updated and learn more about progress at making the community easier to access.

The Town shall regularly participate in and be a member of the Accessibility Coalition of Tippecanoe County.

Inventory and Assessment Procedures

The ADA/Title VI Coordinator shall keep and maintain an updated inventory and compliance assessment of all publicly owned buildings, spaces, and rights of way. The inventory and assessment shall regularly be published on the Town's website for public viewing and comments.

List of Public Buildings & Properties

Building Name	Address	Year Built
Town Hall and Community Center	111 South Main Street Otterbein, Indiana 47970	2020
Wastewater Plant	East Second Street Otterbein, Indiana 47970	
Water Plant	509 South Brown Street Otterbein, Indiana 47970	
Town Garage	104 East Second Street Otterbein, Indiana 47970	1976
Otterbein Park	509 South Brown Street Otterbein, Indiana 47970	2017
Thompson Park (Town Center)	30 South Main Street Otterbein, Indiana 47970	

Funding and Scheduling

The Town intends to implement this Transition Plan effective the date of this document. Not only does the Town commit to following the guidelines set forth in this Transition Plan but it also commits to actively revising and amending this document as new information is discovered.

The Town of Otterbein will use the following sources to repair, modify, or reconstruct sidewalks and ramps to meet current ADA standards. Grant funding will be used to address ADA upgrades as it becomes available.

Review and Evaluation

Every two years the Town of Otterbein Town Council and the ADA/Title VI Coordinator will review the Town's efforts put forth to comply with the ADA and implementation of the Transition Plan. At this time, the Town will continue to address sidewalks and ramps that are non-compliant and make needed upgrades as funding is available.

Appendix A: Non-Discrimination Notice

NOTICE OF NONDISCRIMINATION UNDER THE AMERICANS WITH DISABILITIES ACT AND SECTION 504 OF THE REHABILITATION ACT OF 1973

Pursuant to Title II of the Americans with Disabilities Act as amended (ADA) of 1990 (42 U.S. C. §§12101 et seq.) and Section 504 of the Rehabilitation Act of 1973, as amended (Section 504) (29 U.S.C. §794) and implementing regulations found in 28 CFR 35 and 49 CFR 27, the Town of Otterbein (Otterbein) does not discriminate against qualified individuals with disabilities in its policies, or in the admission of, access to, treatment of or employment in its programs, services or activities.

Upon request, Otterbein will use its best efforts to provide appropriate auxiliary aids and services to facilitate effective communication for qualified persons with disabilities so that they have an equal opportunity to obtain the same result, to gain the same benefit or to reach the same level of achievement as provided to others. These efforts may include providing qualified sign language interpreters, Brailled documents, and other products and services to make communications accessible to individuals with speech, hearing, and vision impairments.

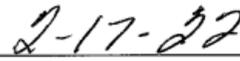
Upon request, Otterbein will make reasonable modifications to policies and programs to ensure that qualified individuals with disabilities have an equal opportunity to enjoy its programs and activities. Otterbein is not required to take any action that would fundamentally alter the nature of its programs or services or impose an undue financial or administrative burden.

Otterbein will not place a surcharge on qualified individuals with disabilities to cover the cost of providing auxiliary aids, services, or reasonable modifications of policies.

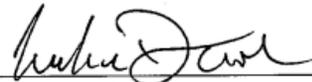
Inquiries or complaints regarding Section 504 of the ADA should be directed to **Lukas Darling, ADA/Title VI Coordinator, Deputy Town Administrator, 111 South Main Street, PO Box 215, Otterbein, Indiana 47970, LDarling@otterbein.in.gov**. Otterbein will investigate all complaints in accordance with Otterbein's ADA complaint process, and promptly take any remedial action deemed necessary to provide an equitable resolution to overcome the effects of a substantiated violation.



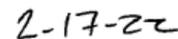
Amy Brown
President of Council



Date



Lukas Darling, MPA
ADA/Title VI Coordinator



Date

Appendix B: Grievance Form

TOWN OF OTTERBEIN, INDIANA

ADA Grievance/Complaint Form

Date:		
Full Name:		
Address:		
City:	State:	ZIP:
Phone Number:		

COMPLAINT INFORMATION

Address or Description of Location:		
City:	State:	ZIP:
Nature of Complaint: (check all that apply) <input type="checkbox"/> Sidewalk or Curb Ramp <input type="checkbox"/> Crosswalk or Pedestrian Signal <input type="checkbox"/> Building Access <input type="checkbox"/> Programming <input type="checkbox"/> Other (explain):		
Describe the Grievance/Complaint: (if needed, you may use additional pages)		
Date of Incident: (if applicable)		

Complainant Signature

Date

Witness (if applicable)

Date

Town Official/Recipient

Date

The Town of Otterbein requires that you use this form to formally lodge a complaint. If you need more space you may attach additional pages (please number additional pages). In some situations, accompanying letters may be beneficial to fully explain the situation. In all situations, this form must be completed in its entirety. You have the right to seek private counsel. If necessary, staff shall complete the form for the complainant with a second witness (preferably a representative of the complainant).

Please make a copy of your complaint form for your personal records. Records sent to our office will not be returned. All complaints and attachments received will become the sole property of the Town of Otterbein.

Return your completed complaint form to:

ADA/Title VI Coordinator:	Lukas Darling, MPA
Address:	111 S Main Street, PO Box 215, Otterbein, IN 47970
Phone Number:	(765) 583-3430
Email:	LDarling@otterbein.in.gov

Appendix C: Auxiliary Aid Request Form

REQUEST FOR AUXILIARY AIDS AND SERVICES

Requests must be made 72 hours in advance.

Name:		
Phone Number:	Email:	
Address:		
City:	State:	ZIP:
Type of Auxiliary Aid/Service Requested:		

Complainant Signature

Date

Return your completed complaint form to:

ADA/Title VI Coordinator:	Lukas Darling, MPA
Address:	111 S Main Street, PO Box 215, Otterbein, IN 47970
Phone Number:	(765) 583-3430
Email:	LDarling@otterbein.in.gov

To be filled out by ADA/Title VI Coordinator:

Date Received:
Nature of Auxiliary Aid/Service Provided: <input type="checkbox"/> Sign Language Interpreter <input type="checkbox"/> Certified Interpreter <input type="checkbox"/> Qualified Staff <input type="checkbox"/> Video Remote Interpretive Service <input type="checkbox"/> Large Print <input type="checkbox"/> Assistance Completing Forms <input type="checkbox"/> Video Relay Services <input type="checkbox"/> Relay Indiana <input type="checkbox"/> Written Material <input type="checkbox"/> CART <input type="checkbox"/> Other:
Date and Time Provided:

Appendix D: Adoption Resolutions (pre-2013)

RESOLUTION 2013-1217A

A Resolution to Amend Resolution 2013-0903B
A Resolution of the Town Council of the Town of Otterbein, Indiana
Adopting the Americans with Disabilities Act (ADA)
ADA Coordinator and Procedures

WHEREAS, the Federal government enacted the Americans with Disabilities Act of 1990 (ADA) to prevent discrimination of the persons with disabilities relating to employment and access to public programs, services, and activities; and

WHEREAS, in compliance with Title II of the ADA the **Town of Otterbein** shall name an ADA Coordinator; and

WHEREAS, in compliance with Title II of the ADA the **Town of Otterbein** shall adopt a grievance procedure for resolving complaints alleging violation of Title II of the ADA; and

WHEREAS, in compliance with Title II of the ADA the **Town of Otterbein** shall publish notice to the public regarding the ADA;

WHEREAS, in compliance with Title II of the ADA the **Town of Otterbein** shall post the ADA coordinator's name, office address, and telephone number along with the ADA Notice and ADA grievance procedure on its website.

NOW, THEREFORE, BE IT RESOLVED by the **Town Council of the Town of Otterbein, Indiana:**

The Clerk-Treasurer, Treeva Sarles is designated as the ADA Coordinator for the Town.

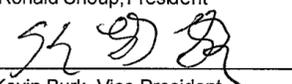
The Notice under the Americans with Disabilities Act, a copy of which is posted to the Town's website, is adopted as the **Town of Otterbein** Notice under the Americans with Disabilities Act.

The **Town of Otterbein** ADA Grievance Procedure under the Americans with Disabilities Act, a copy of which is attached hereto, is adopted as the grievance procedure for addressing complaints alleging discrimination on the basis of disability in the provision of services, activities, programs or benefits by the **Town of Otterbein**.

In compliance with Federal and State laws as set forth above, the Town Council resolves to post the required information regarding the ADA coordinator, Notice under the Americans with Disabilities Act, and **Town of Otterbein** Grievance Procedure under the Americans with Disabilities Act on its website and at such other locations as may be determined from time to time.

PASSED, APPROVED and ADOPTED by the Town Council of the Town of Otterbein, Indiana this 17th day of December, 2013.

Ronald Shoup, President

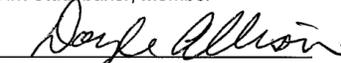


Kevin Burk, Vice President

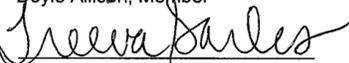


Leon McKinney, Member

Dirk Studebaker, Member



Doyle Allison, Member



Treeva Sarles, Clerk-Treasurer

ATTEST:

RESOLUTION 2013-1217B
A RESOLUTION TO SET POLICY AND PROCEDURES FOR

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

POLICY:

The Town of Otterbein 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 forms, financial forms, application for services 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 Town 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 Town of Otterbein 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, etc. and through notices posted in public meeting rooms and in each Town 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 Town'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 Town'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 aide or service, the Town 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 Town of Otterbein's ADA coordinator is listed below:

Treeva Sarles
Clerk-Treasurer
ADA Coordinator
14 E 2nd Street,
PO Box 215
Otterbein, IN 47970
(765) 583-0089, TTY-711
clerk@otterbein.in.gov

Town of Otterbein 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, Treeva Sarles 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 Town has made arrangements with and their information are listed in Town of Otterbein's Disability Guidelines and Etiquette Handbook for Employees.

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

The Town of Otterbein 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, Town of Otterbein ADA Coordinator, Treeva Sarles.

(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, services, waivers of rights, and consent 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 of 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, Town of Otterbein ADA Coordinator, Treeva Sarles.

C. For Persons with Speech Impairments

(i) To ensure effective communication with persons with speech impairments, staff will contact Town of Otterbein ADA Coordinator, Treeva Sarles.

(ii) For requests for other auxiliary aids and services, staff will contact, Town of Otterbein ADA Coordinator, Treeva Sarles.

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, Town of Otterbein ADA Coordinator, Treeva Sarles.

Maintenance of Auxiliary Aids and Equipment

The ADA Coordinator, Treeva Sarles, 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

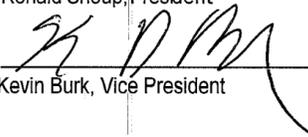
(i) Town Manager, Roy Ellrich will check all accessible features within all Town facilities monthly, ensuring all parts are intact and in working order, batteries are charged/or are working. If any features are not working properly, they should be fixed immediately. If maintenance of any feature requires 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 Town Manager, Roy Ellrich will use specifications outlined in ADAAG 706 regarding checking and maintaining the operation of assistive listening systems and devices.

To request this information in an alternative format, please contact Treeva Sarles – Town of Otterbein ADA Coordinator at the information listed above.

PASSED, APPROVED and ADOPTED by the Town Council of the Town of Otterbein, Indiana this 17th day of December, 2013.

Ronald Shoup, President


Kevin Burk, Vice President

Leon McKinney
Leon McKinney, Member

Dirk Stuebaker, Member

Doyle Allison
Doyle Allison, Member

ATTEST:

Treeva Sarles
Treeva Sarles, Clerk-Treasurer

**RESOLUTION 2013-1217C
A RESOLUTION TO ADOPT POLICY FOR MOBILE DEVICES**

Town of Otterbein Policy for Use of Mobile Devices

In accordance with the Americans with Disabilities Amendments Act and subsequent regulations, it is the policy of the Town of Otterbein that mobility devices used by individuals with disabilities are generally permitted in all facilities and programs, as described below.

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 of both indoor and outdoor locomotion." This definition includes mobility scooters.
- A "mobility disability" includes a wide range of 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.

Use of Wheelchairs and OPDMDs:

The Town of Otterbein will make reasonable modifications to permit individuals with mobility disabilities to use OPDMDs as long as operation of the mobility device is in accordance with legitimate safety requirements, including operation at a safe speed limit, and care in observation of pedestrians. The Town of Otterbein prohibits the use of fuel driven engines inside our buildings, as fumes have been deemed a direct threat to others. The Town of Otterbein is not responsible for the storage of these devices.

As needed and on an individual basis, the Town will determine additional appropriate use of OPDMD's based upon assessment factors the DOJ regulations allow, the Department has considered the following factors:

1. The type, size, weight, dimensions and speed of the device;



2. The individual facility's volume of pedestrian traffic; which may vary at different times of the day, week, month, or year)
3. The facility's design and operational characteristics;
4. Whether legitimate safety requirements can be established to permit the safe operation of the OPDMD at the individual facility;
5. Whether the use of the other power-driven mobility device creates a substantial risk of serious harm to the immediate environment or natural or cultural resources.

Those persons with mobility disabilities may contact the **Town of Otterbein ADA Coordinator** about use of devices that are currently prohibited within Town buildings/facilities, (e.g., motorized OPDMDs) but may provide you with better access in a safe manner.

Requests for Accommodations:

Visitors:

Visitors using wheelchairs and Other Power Driven Mobility Devices are welcome in all areas of the Town that are open to the public. Specific questions related to the use of these devices can be directed to the ADA Coordinator.

Employees:

Employees requesting reasonable accommodations, including the use of Other Power Driven Mobility Devices should contact the ADA Coordinator.

The contact information for the Town of Otterbein ADA Coordinator is listed below:

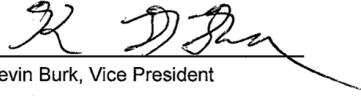
Treeva Sarles, Clerk-Treasurer
ADA Coordinator
104 E 2nd Street,
PO Box 215
Otterbein, IN 47970
(765) 583-0089, TTY-711
clerk@otterbein.in.gov



ADA Consultants of Indiana

PASSED, APPROVED and ADOPTED by the Town Council of the Town of Otterbein, Indiana
this 17th day of December, 2013.

Ronald Shoup, President



Kevin Burk, Vice President



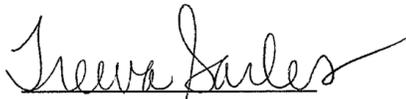
Leon McKinney, Member

Dirk Studebaker, Member



Doyle Allison, Member

ATTEST:



Treeva Sarles, Clerk-Treasurer



ADA Consultants of Indiana

RESOLUTION 2013-1217D
A RESOLUTION TO SET POLICY REGARDING SERVICE ANIMALS

Town of Otterbein's Policy on Service Animals

The Town of Otterbein 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 Town 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 Town of Otterbein 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 Town of Otterbein 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 Town of Otterbein 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 Town of Otterbein will not require or request that the Service Animal perform the tasks it has been trained to perform
- The Town of Otterbein 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 Town facilities where members of the public, staff, and faculty are allowed to go. However, the Town 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 Town 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 Town 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 Town 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 Town 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 Town facilities and Town sponsored activities should contact:

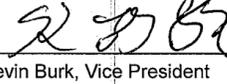
Treeva Sarles
Clerk-Treasurer
ADA Coordinator
104 E 2nd Street,

PO Box 215
Otterbein, IN 47970
(765) 583-0089, TTY-711
clerk@otterbein.in.gov

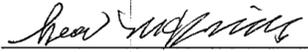
To request this information in an alternative format, please contact Treeva Sarles – Town of Otterbein ADA Coordinator at the information listed above.

PASSED, APPROVED and ADOPTED by the Town Council of the Town of Otterbein, Indiana this 17th day of December, 2013.

Ronald Shoup, President

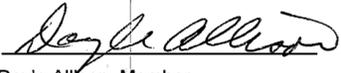


Kevin Burk, Vice President



Leon McKinney, Member

Dirk Stuebaker, Member



Doyle Wilson, Member

ATTEST:



Treeva Sarles, Clerk-Treasurer

Appendix E: 2022 Adoption Resolution

COUNCIL OF THE TOWN OF OTTERBEIN, INDIANA

RESOLUTION 2022-0217A

A RESOLUTION ADOPTING THE UPDATED ADA TRANSITION PLAN FOR THE TOWN OF OTTERBEIN

WHEREAS, the Council of the Town of Otterbein, Indiana is the legislative body established under the laws and statutes of the State of Indiana; and

WHEREAS, the Federal government enacted the Americans with Disabilities Act of 1990 (ADA) to prevent discrimination of the physically and mentally disabled relating to employment and access to public facilities; and

WHEREAS, in compliance with Title II of the ADA the Town of Otterbein shall name an ADA Coordinator; and

WHEREAS, in compliance with Title II of the ADA the Town of Otterbein shall publish notice to the public regarding the ADA as may be required by law; and

WHEREAS, the ADA Coordinator shall develop and maintain an inventory and compliance assessment of all public buildings, spaces, and rights of way pursuant to this plan; and

WHEREAS, in compliance with Title II of the ADA the Town of Otterbein shall publish the ADA Coordinator's name, office address, and telephone number along with the ADA notice and ADA grievance procedure on its website; and

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Town of Otterbein, Indiana, as follows:

1. §§ 34.20 through 34.22 of the Otterbein Code of Ordinances are hereby vacated.
2. The Deputy Town Administrator is designated as the ADA Coordinator for the Town.
3. The ADA Transition Plan is wholly and fully adopted by this council, including its sections on the ADA Notice and grievance procedure for addressing complaints alleging discrimination.
4. In compliance with Federal and State Laws, Council resolves to post the required information on its website and other locations as may be determined from time to time.
5. The Town Administrator is authorized to publish the Non-Discrimination Notice as required by law.

ADOPTED by the Council of the Town of Otterbein, Indiana this
17th day of February, 2022 by a vote of 3 in favor and 0 against.

**THE COUNCIL OF THE
TOWN OF OTTERBEIN, INDIANA**



Amy Brown, Council President



Jackey Apache, Vice President

Doyle Allison, Councilman

Rick Hadley, Councilman



Daniel Klump, Councilman

ATTEST:



Treeva Sarles, Clerk-Treasurer