



**REPORT of AUDIT
and
TRANSITION PLAN
for
GREENSBURG/
DECATUR COUNTY
ANIMAL SHELTER PROPERTY**

**For Compliance With The
AMERICANS WITH DISABILITY
ACT OF 1990**

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TRANSITION PLAN
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GREENSBURG/DECATUR COUNTY
ANIMAL SHELTER POPERTY
For Compliance with the
AMERICANS WITH DISABILITY ACT OF 1990

PREPARED FOR:

GREENSBURG/DECATUR COUNTY
ANIMAL CONTROL BOARD

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INTRODUCTION

The Americans with Disabilities Act of 1990 (ADA) was signed into law by then President George H. W. Bush on July 26, 1990 as Public Law 101-336 and On September 25, 2008 then President George W. Bush signed the ADA Amendments Act of 2008 into law as Public Law 110-325. The current law is codified at Title 42 of the United States Code, Chapter 126 and Title 47 of the United States Code, Chapter 5, Sections 225 and 611. The Act provides five Titles as follows:

- **Title I – Employment.** The ADA states that a covered entity shall not discriminate against a qualified individual with a disability, which applies to job application procedures, hiring, advancement and discharge of employees, workers' compensation, job training, and other terms, conditions, and privileges of employment.
- **Title II – Public entities (and public transportation).** The ADA prohibits disability discrimination by all public entities at the local (*i.e.* school district, municipal, city, county) and state level, which covers access to all programs and services offered by the entity. Access includes physical access described in the ADA Standards for Accessible Design and programmatic access that might be obstructed by discriminatory policies or procedures of the entity. Title II further applies to public transportation provided by public entities, which requires the provision of paratransit services by public entities that provide fixed route services. Title II also applies to all state and local public housing, housing assistance, and housing referrals.
- **Title III – Public accommodations (and commercial facilities).** The ADA states that no individual may be discriminated against on the basis of disability with regards to the full and equal enjoyment of the goods, services, facilities, or accommodations of any place of public accommodation by any person who owns, leases (or leases to), or operates a place of public accommodation. Public accommodations include most places of lodging (such as inns and hotels), recreation, transportation, education, and dining, along with stores, care providers, and places of public displays, among other things.
- **Title IV – Telecommunications.** The ADA requires that all telecommunications companies in the U.S. take steps to ensure functionally equivalent services for consumers with disabilities, notably those who are deaf or hard of hearing and those with speech impairments, which led to installation of public Teletypewriter (TTY) machines and other TDDs (Telecommunications Device for the Deaf).
- **Title V – Miscellaneous provisions.** This Title includes technical provisions such as the fact that nothing in the ADA amends, overrides or cancels anything in Section 504 of the Rehabilitation Act of 1973, and additionally includes an anti retaliation or coercion provision.

This report addresses only Title II of ADA for THE Greensburg/Decatur County Animal Shelter property. Further, it reports only physical barriers found to exist or potentially exist in or on the Animal Shelter property.

The ADA was implemented through the promulgation of Title 28 of the code of Federal Regulations, Part 35, which provides the regulations for Title II. Also included is Title 28 of the code of Federal Regulations, Part 36, which provides the regulations for Title III, but more importantly includes the technical standards for the elimination of physical barriers. The original regulations were published in the Federal Register on July 26, 1991.

Section 35.150 states “(a) *General*. A public entity shall operate each service, program, or activity so that the service, program, or activity, when viewed in its entirety, is readily accessible to and usable by individuals with disabilities.” It goes on to provide “(b) *Methods*—(1) *General*. A public entity may comply with the requirements of this section through such means as redesign of equipment, reassignment of services to accessible buildings, assignment of aides to beneficiaries, home visits, delivery of services at alternate accessible sites, alteration of existing facilities and construction of new facilities, use of accessible rolling stock or other conveyances, or any other methods that result in making its services, programs, or activities readily accessible to and usable by individuals with disabilities. A public entity is not required to make structural changes in existing facilities where other methods are effective in achieving compliance with this section. A public entity, in making alterations to existing buildings, shall meet the accessibility requirements of § 35.151. In choosing among available methods for meeting the requirements of this section, a public entity shall give priority to those methods that offer services, programs, and activities to qualified individuals with disabilities in the most integrated setting appropriate.” This section of the original regulations was to have been fully implemented by January 26, 1995. Also, any building constructed or altered after January 26, 1992 was to have fully complied with the requirements of this regulation and the associated technical standards.

The regulations were revised in 2010. Those revisions were published in the Federal Register on September 15, 2010. Any building constructed or altered after March 15, 2012 was to have fully complied with the requirements of the revised associated technical standards.

STUDY METHODOLOGY and GENERAL OBSERVATIONS

The study generally consisted of viewing the Greensburg/Decatur County Animal Shelter property. The Animal Shelter property was evaluated for the presence of access barriers utilizing the 2010 technical guidelines. It was deemed appropriate to utilize the most recent guidance so that as improvements are implemented over time, they will be in conformance with criteria likely to be applied at that future time. However, consideration was given to the 1990 technical guidance where doing so resulted in a more favorable interpretation of the compliance of the property relative to standards that were in place at the time of construction or alteration of the property. For elements that do not comply with the 1990 technical guidance, modifications need to be made to bring them into compliance as soon as practical. Elements that do not comply with the 2010 technical guidance are ones that will need to be brought into conformance with those standards when the property is reconstructed or altered.

As stated previously, this study addresses only Title II of ADA. Therefore, it evaluated the ability of the public to gain access to all services and programs offered by the Greensburg/Decatur County Animal Shelter relative to physical barriers to access. Where the public was not permitted access to an element of the Animal Shelter property, such element was not reviewed for compliance. Examples of areas not included are storage areas accessed only by employees, break rooms restricted to use by employees, offices that the public are not permitted to enter, etc. It is important to understand that private offices not generally open to the public but where office holders or employees meet with members of the public were included in this study. An example is a private office where the public is not permitted to freely enter, but where meetings are held with members of the public. Generally, any space or elements where anyone not an employee is permitted to enter has been included in this study.

For each part of a facility that was inventoried, the office holder or one or more employees were consulted. The office holders or employees described the operations of the office and provided information about where the public needed to go or where the public was permitted access. That information was then used in determining what areas, offices, elements, etc. were included in the inventory.

An important feature of accessibility is having adequate clear space available. Often the clear spaces are for disabled individuals using wheel chairs. Generally, only permanent features were evaluated when determining if the required clear spaces were available, and this document generally only reports clear space deficiencies when they were the result of permanent encroachments. However, several instances were noticed where furnishings or storage of items encroached into the clear spaces. Those issues were not always reported because they can be transient in nature. While each item could address today's situation, a new office holder or employee could rearrange their space and inadvertently encroach on some required clear spaces. The most common required clear spaces are as follows:

- **Clear Width for Accessible Route** is 36", with some sections less than 24" in length being reduced to 32".
- **Turning Space** is generally a 60" diameter circle.

- **Clear Floor or Ground Surface** is an area a minimum of 30” wide by a minimum of 48” long. This space is generally required as an approach to features such as lavatories, water fountains, elevator call buttons, etc.
- **Maneuvering Clearances at Manual Swinging Doors** varies by whether the approach to the door is straight into the door versus from one side or the other and whether the door swings towards the person or away from them. For a door swinging towards the individual passing through it, an 18” maneuvering space beyond the latch side of the door is required. For a door with a latch and closer swinging away from the individual passing through it, a 12” maneuvering space beyond the latch side of the door is required.

Often, small light objects could be moved from these locations to provide proper passage for a disabled individual on an as needed basis. However, a better resolution would be to educate everyone about the reason for maintaining those areas clear of any objects.

One other situation that may be difficult to maintain compliance with the guidelines was noted. Objects hung on walls along accessible routes can protrude into the required clear space for the accessible route. This situation can be difficult for visually impaired individuals. When the object is mounted with its bottom greater than 27” above the floor and protrudes more than 4 inches from the wall, an individual using a cane may not detect the protruding object and may walk into it. Some wall mounted objects such as fire extinguishers and first aid cabinets were observed which created this deficiency. Those types of objects are ones that can easily be installed or relocated. When decisions are made to install similar items, care needs to be taken to ensure they are not an access barrier for some individuals.

AUDIT OF GREENSBURG/DECATUR COUNTY ANIMAL SHELTER

The Greensburg/Decatur County Animal Shelter property was audited to determine its conformance to the ADA guidance. Where a property had distinct offices within it, those offices were audited separately. The following discussion presents the results of the audit. It is organized by office or space where appropriate.

Decatur County Animal Shelter:

Parking Lot and Entrances:

Deficient Item	2010 Standards	Applicable Standards	Remarks	Estimated Cost	Year of Work
Accessible parking space pavement markings	Deficient	Deficient	Access aisle for van accessible parking space required to be a minimum of 96” wide adjacent to a 96” wide accessible parking space. The existing markings are for two spaces, but the accessible aisle is on the outside of one space with the two spaces immediately adjacent to each other. Recommend that the accessible parking space be reconfigured so a 96” minimum width access aisle is between the two spaces.	\$450	2019 to 2023
Accessible parking space signs	Deficient	Deficient	Sign identifying accessible parking spaces are required and a van accessible plaque is required beneath one of those spaces. No such signs were present. It is recommended that the accessible parking signs be installed with a “Van Accessible” plaque beneath one of them.	\$225	2019 to 2023
Door operating hardware for all doors in facility except main entry door and garage entry door	Deficient	Deficient	All doors are required to have operating hardware that does not require tight grasping, pinching, or twisting of the wrist. All of the doors, except the three exterior doors, had spherical knobs that do not satisfy this requirement. It is recommended that the doors all be equipped with lever type hardware for their latches.	\$800	2019 to 2023

Vertical change in level at exterior entrance into lobby	Deficient	Deficient	A maximum vertical change in an accessible route of 0.25" vertical plus another 0.25" sloped at a maximum of 2:1 is permitted. The exterior door had a 1" vertical step up onto concrete slab. Recommend that the bituminous pavement be wedged up at a maximum slope of 1:20 to eliminate the vertical step.	\$250	2019 to 2023
Exit sign for entrance door into lobby	Deficient	Deficient	Exits on accessible routes are required to have compliant signs identifying the exit. The exit did not have a sign conforming to the requirements. It is recommended that a compliant sign be installed.	\$55	2019 to 2023
Vertical change in level at exterior entrance into garage	Deficient	Deficient	A maximum vertical change in an accessible route of 0.25" vertical plus another 0.25" sloped at a maximum of 2:1 is permitted. The exterior door had a 2" vertical step up onto concrete slab. Recommend that the bituminous pavement be wedged up at a maximum slope of 1:20 to eliminate the vertical step.	\$250	2019 to 2023
Maneuvering Clearance at Main entrance	Deficient	Deficient	A minimum of 18" of clear space beyond the latch side of the door is required to permitting maneuvering through the door from the pull side. Only 15" of clear space was present. It is recommended that additional area on the outside beyond the latch side of the door be paved to provide the 18" clear space.	\$250	2024 to 2028
Maneuvering Clearance at exterior garage entrance	Deficient	Deficient	A minimum of 18" of clear space beyond the latch side of the door is required to permitting maneuvering through the door from the pull side. Only 15" of clear space was present. It is recommended that additional area on the outside beyond the latch side of the door be paved to provide the 18" clear space.	\$250	2024 to 2028

Closing time for main entrance door	Deficient	Deficient	The 2010 ADA Standards for Accessible Design requires a minimum time to close from 90° to 12° from the latch of 5 seconds. The 1990 ADA Standards for Accessible Design requires a minimum time to close from 70° to a location 3 inches from the latch of 3 seconds. The closing time utilizing the 2010 ADA Standards for Accessible Design was 2.3 seconds and utilizing the 1990 ADA Standards for Accessible Design was 2.0 seconds. It is recommended the door closer be adjusted to provide a closing time required by the standards.	\$95	2019 to 2023
Closing time for exterior garage door	Deficient	Deficient	The 2010 ADA Standards for Accessible Design requires a minimum time to close from 90° to 12° from the latch of 5 seconds. The 1990 ADA Standards for Accessible Design requires a minimum time to close from 70° to a location 3 inches from the latch of 3 seconds. The closing time utilizing the 2010 ADA Standards for Accessible Design was 1.8 seconds and utilizing the 1990 ADA Standards for Accessible Design was 1.7 seconds. It is recommended the door closer be adjusted to provide a closing time required by the standards.	\$95	2019 to 2023
Exit sign for exterior door into garage	Deficient	Deficient	Exits on accessible routes are required to have compliant signs identifying the exit. The exit did not have a sign conforming to the requirements. It is recommended that a compliant sign be installed.	\$55	2019 to 2023

Lobby:

Deficient Item	2010 Standards	Applicable Standards	Remarks	Estimated Cost	Year of Work
Drinking fountain for standing person	Deficient	Deficient	Where an accessible drinking fountain is provided, a drinking fountain for a standing person is also required to be provided with a spout elevation between 36” and 43” above the floor. No such drinking fountain was provided. It is recommended that either a second drinking fountain be provided with the spout at the required height, or the existing drinking fountain be replaced with one having “hi-lo” spouts.	\$1,000	2034 to 2038

Restroom:

Deficient Item	2010 Standards	Applicable Standards	Remarks	Estimated Cost	Year of Work
Clearance at water closet	Deficient	Deficient	A clearance of 56” from the rear wall is required at a water closet. A cabinet was located in the Northeast corner of the restroom that encroached into the required clearance. It is recommended that the cabinet be removed.	\$20	2014 to 2018
Clearance at water closet	Deficient	Acceptable	The 2010 ADA Standards for Accessible Design requires a clearance of 60” from the side wall for a water closet without any encroachment from the lavatory. The 1990 ADA Standards for Accessible Design required a clearance of 60” from the side wall for a water closet, but permitted the lavatory to encroach into that space provided it was no closer than 18” from the centerline of the water closet. The lavatory encroached into the 60” required clear space, but was located with a clearance of 18” from the centerline of the water closet. No action is recommended.	\$0	
Side grab bar location	Deficient	Deficient	The side grab bar at the water closet is required to be located a maximum of 12” from the rear wall. The side wall grab bar was mounted starting 14” from the rear wall. It is recommended that the grab bar be relocated so it is a maximum of 12” from the rear wall.	\$45	2029 to 2033

Water closet flush handle location	Deficient	Deficient	The 2010 ADA Standards for Accessible Design requires the water closet flush handle to be mounted on the open side of the water closet. The 1990 ADA Standards for Accessible Design did not include that requirement. The flush handle was mounted on the front of the tank on the wall side of the water closet. No action is recommended.	\$0	
Plumbing protection beneath lavatory	Deficient	Deficient	The water supply plumbing and drain pipes below the lavatory are required to be insulated and padded against sharp objects. No such padding or insulation was present. It is recommended that insulation be installed on the pipes beneath the lavatory.	\$85	2019 to 2023
Hand towel dispenser mounting height	Deficient	Deficient	The maximum permitted mounting height to the operating controls of the dispenser above the floor is 48". The dispenser was mounted with the operating controls 59" above the floor. It is recommended that the dispenser be lowered so the operating controls are a maximum of 47" above the floor.	\$25	2014 to 2018
Toilet paper dispenser mounting location.	Deficient	Acceptable	The 2010 ADA Standards for Accessible Design requires the toilet paper dispenser be mounted with its centerline from 7" to 9" beyond the front of the water closet. The 1990 ADA Standards for Accessible Design required the toilet paper dispenser be mounted within 36" of the rear wall. The toilet paper dispenser was mounted 5.5" in front of the water closet. No action is recommended.	\$0	
Restroom sign for accessible restroom	Deficient	Deficient	Accessible restrooms are required to have compliant signs identifying them. The restroom did not have a sign conforming to the requirements. It is recommended that a compliant sign be installed.	\$45	2019 to 2023

Garage:

Deficient Item	2010 Standards	Applicable Standards	Remarks	Estimated Cost	Year of Work
Maneuvering clearance at entrance into garage from hallway	Deficient	Deficient	A minimum of 18" of clear space beyond the latch side of the door is required to permitting maneuvering through the door from the pull side. Only 11.5" of maneuvering clearance space was present. It is recommended that the door be relocated 7" to the West to provide the required maneuvering clearance.	\$250	2034 to 2038
Vertical change in level at door from garage into nursery	Deficient	Deficient	A maximum vertical change in an accessible route of 0.25" vertical plus another 0.25" sloped at a maximum of 2:1 is permitted. The door had a 0.75" vertical step up into the nursery. Recommend that the floor be wedged up at a maximum slope of 1:20 to eliminate the vertical step.	\$400	2034 to 2038

Exterior Dog Run:

Deficient Item	2010 Standards	Applicable Standards	Remarks	Estimated Cost	Year of Work
Garden hose rack as a protrusion	Deficient	Deficient	A minimum clear accessible route width of 32" for a maximum distance of 24" is required. Otherwise the minimum width of an accessible route is required to be 36". Objects with a leading edge more than 27" above the ground are required to protrude a maximum of 4". The hose rack protruded 6" from the wall and also resulted in a clear width of only 31". It is recommended that the hose rack be relocated to a location where it does not encroach on required clear widths or be a protrusion.	\$300	2034 to 2038
Maneuvering clearance at door from dog room to exterior dog runs	Deficient	Deficient	A clear width of 54" is required for a parallel approach to the pull side of a door from the hinge side of the door, measured perpendicular to the wall in which the door is located. The clear width outside of the door is only 37" wide. It is recommended that the dog run immediately opposite the door be reconfigured to create a 54" wide clear space beyond the door for a width of the door and 24" beyond the latch side of the door.	\$450	2034 to 2038

Exit sign for door from dog room to exterior runs	Deficient	Deficient	Exits on accessible routes are required to have compliant signs identifying the exit. The exit did not have a sign conforming to the requirements. It is recommended that a compliant sign be installed.	\$55	2019 to 2023
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