Americans with Disabilities Act (ADA) Policy and Transition Plan

City of Delaware, Ohio

Adopted: October 12, 2026

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1. Introduction and Purpose

The Americans with Disabilities Act of 1990, as amended (ADA), is a federal civil rights law prohibiting discrimination on the basis of disability. Title II of the ADA applies to state and local governments and provides that no qualified individual with a disability shall, by reason of disability, be excluded from participation in or denied the benefits of the services, programs, or activities of a public entity, or otherwise be subjected to discrimination by a public entity. 42 U.S.C. § 12132; 28 C.F.R. Part 35.

The City of Delaware (City) adopts this ADA Transition Plan to document its continuing commitment to accessible programs, services, activities, facilities, communications, and public rights-of-way. Consistent with 28 C.F.R. §§ 35.105 and 35.150, the City has undertaken a self-evaluation of its services, policies, practices, facilities, and public rights-of-way and will continue to identify and address barriers to accessibility.

This Plan is intended to serve as a practical, living framework for ongoing ADA compliance. It should be read together with the City's ADA Self-Evaluation Checklist, which documents the City's detailed inventory, findings, corrective measures, priorities, and implementation information. The Checklist is maintained administratively and may be reviewed, supplemented, and updated from time to time as improvements are completed, additional barriers are identified, programs or facilities change, or applicable accessibility requirements evolve.

Relationship to Other Laws

Title II of the ADA operates alongside other federal accessibility and nondiscrimination requirements, including Section 504 of the Rehabilitation Act of 1973, which applies to programs and activities receiving federal financial assistance, and the Architectural Barriers Act of 1968, which applies to certain facilities designed, constructed, altered, or leased with federal funds. The City will comply with applicable federal, state, and local accessibility requirements.

General Title II Requirements

In administering its programs, services, and activities, the City will:

- Operate programs so that, when viewed in their entirety, they are readily accessible to and usable by individuals with disabilities, consistent with 28 C.F.R. § 35.150.
- Not exclude or deny a qualified individual the opportunity to participate in or benefit from a City service, program, or activity because of disability.
- Make reasonable modifications to policies, practices, and procedures when necessary to avoid discrimination on the basis of disability, unless the City can demonstrate that the modification would fundamentally alter the nature of the service, program, or activity.
- Provide appropriate auxiliary aids and services when necessary to ensure effective communication, consistent with 28 C.F.R. §§ 35.160 through 35.164.
- Provide required notice of Title II protections and the identity and contact information of the City's ADA Coordinator.
- Maintain and publish a grievance procedure providing for the prompt and equitable resolution of complaints, as provided in Chapter 163 of the City of Delaware Codified Ordinances.

2. Designation of Responsibility

ADA Title II Coordinator

In accordance with 28 C.F.R. § 35.107(a), the City designates the following employee to coordinate the City's compliance with Title II of the ADA and to serve as the City's central point of contact for ADA compliance matters:

Name	Kim Gepper
Title	Executive Assistant
Phone	740-203-1011
Email	kgepper@cityofdelawareoh.gov

The ADA Title II Coordinator may consult with department directors, subject-matter experts, legal counsel, risk-management personnel, and other appropriate staff when evaluating accessibility concerns, requests for reasonable modification or auxiliary aids and services, grievances, and other compliance matters.

Transition Plan Implementation Coordinator

In accordance with 28 C.F.R. § 35.150(d)(3), the City designates the following employee to monitor implementation of this Plan and coordinate its periodic review and update:

Name	David Moser
Title	City Attorney
Phone	740-203-1175
Email	dmoser@cityofdelawareoh.gov

The City Manager may designate successor or additional employees to perform these responsibilities without formal amendment of this Plan. Current coordinator contact information will be maintained and made available to the public.

The ADA Title II Coordinator and Transition Plan Implementation Coordinator will identify appropriate training resources and opportunities for City employees based on their job responsibilities and involvement in public programs, services, facilities, communications, procurement, or capital projects.

3. Self-Evaluation, Inventory, and Findings

Under 28 C.F.R. § 35.105, the City evaluates its services, policies, practices, communications, facilities, and public rights-of-way to identify barriers that may limit participation by individuals with disabilities. The City's self-evaluation addresses, at a minimum, the following categories:

- Communications, information, digital content, and facility signage;
- Buildings, related parking areas, and other City facilities; and
- Pedestrian facilities and public rights-of-way, including sidewalks, curb ramps, shared-use or bicycle/pedestrian trails, crosswalks, traffic-control signals, and other pedestrian access routes for which the City has responsibility.

ADA Self-Evaluation Checklist

The City's completed ADA Self-Evaluation Checklist is the formal administrative record of the detailed inventory and findings supporting this Plan. The Checklist identifies the areas examined, accessibility

concerns or barriers identified, corrective measures taken or proposed, prioritization, and, where applicable, anticipated implementation schedules or coordination with planned projects.

The Checklist is attached hereto as "Exhibit A" and incorporated into the City's ADA compliance program by reference but is maintained separately from this Plan so that it may be updated administratively as conditions change. The City will periodically review and update the Checklist as necessary to document completed improvements, newly identified barriers, changes in programs or facilities, evolving technology, changes in applicable law, and accessibility priorities. Updating the Checklist does not, by itself, require formal amendment or readoption of this Plan.

Public Participation and Records

The City will provide interested persons, including individuals with disabilities and organizations representing individuals with disabilities, an opportunity to participate in the self-evaluation and transition-planning process by submitting comments or accessibility concerns. The City will maintain records required by 28 C.F.R. § 35.105(c), including information concerning interested persons consulted, areas examined and problems identified, and modifications made, for the period required by law and in accordance with applicable records-retention schedules.

4. Effective Communication, Information, and Signage

The City will take appropriate steps to ensure that communications with applicants, participants, and members of the public with disabilities are as effective as communications with others. When necessary to provide an equal opportunity to participate in or benefit from a City service, program, or activity, the City will furnish appropriate auxiliary aids and services. In determining what aid or service is necessary, the City will give primary consideration to the request of the individual with a disability, consistent with applicable law.

Auxiliary aids and services may include, as appropriate, qualified interpreters, captioning, assistive listening systems, accessible electronic documents, large-print materials, audio formats, readers, relay services, or other effective methods of communication.

The City will take appropriate steps to ensure that interested persons, including individuals with vision or hearing disabilities, can obtain information concerning the existence and location of accessible services, activities, and facilities. Signage will be provided where required to direct individuals from inaccessible entrances to accessible entrances or locations where accessibility information may be obtained.

The City will also consider accessibility in temporary traffic-control zones, construction areas, and other conditions affecting pedestrian access routes, including the use of appropriate signs, warnings, detectable or accessible routing, and other measures as required by applicable standards and circumstances.

5. Reasonable Modifications and Requests for Accommodation

The City will make reasonable modifications to policies, practices, and procedures when necessary to afford qualified individuals with disabilities an equal opportunity to participate in City programs, services, and activities, unless the City can demonstrate that the requested modification would fundamentally alter the nature of the program, service, or activity.

Individuals who require an auxiliary aid or service for effective communication, or a reasonable modification of a policy, practice, or procedure, should contact the ADA Title II Coordinator. Requests should be made as far in advance as practicable. The City will not deny an otherwise reasonable request solely because it was not submitted a specified number of hours or days in advance.

The City will communicate with the requesting individual as appropriate to identify an effective reasonable modification or auxiliary aid or service. In evaluating requests, the City may consider the nature of the

program or activity, the individual's stated needs, safety considerations, staff qualifications and training, available effective alternatives, and other relevant circumstances consistent with applicable law. The City may consult appropriate administrative, technical, medical, or legal professionals when reasonably necessary to evaluate a request.

Public Meetings and Governmental Proceedings

The City will provide reasonable modifications and appropriate auxiliary aids and services as necessary to permit qualified individuals with disabilities to participate in public meetings, hearings, boards, commissions, and other governmental proceedings. Requests should be directed to the ADA Title II Coordinator as far in advance as practicable.

Recreation Programs and Public Activities

The City will make reasonable modifications to policies, practices, and procedures where necessary to afford qualified individuals with disabilities an equal opportunity to participate in recreation programs, camps, community events, and other public activities, unless doing so would fundamentally alter the nature of the activity or impose an undue financial or administrative burden under applicable law.

Service Animals

Individuals with disabilities may be accompanied by service animals in City facilities and programs consistent with the requirements of Title II of the ADA and other applicable law, including in locations where pets are otherwise prohibited.

6. Public Notice and ADA Grievance Procedure

Public Notice

In accordance with Title II of the ADA, the City will not discriminate against qualified individuals on the basis of disability in its services, programs, or activities. The City will provide ongoing notice of the protections of Title II and will make the name and contact information of the ADA Title II Coordinator available to applicants, participants, beneficiaries, employees, and other interested persons in a manner the City determines appropriate to apprise them of their rights.

Grievance Procedure

The City has established a grievance procedure for the prompt and equitable resolution of complaints alleging unlawful discrimination on the basis of disability regarding access to or participation in City facilities, services, employment, activities, or functions. ADA grievances shall be filed and processed in accordance with Chapter 163 of the City of Delaware Codified Ordinances, as may be amended from time to time. Information regarding the grievance procedure and how to submit a complaint will be made available through the City's ADA Title II Coordinator.

7. Building Facilities and Related Parking Areas

The City is responsible for ADA compliance at buildings and facilities that it owns, manages, or operates to the extent required by applicable law. The City's facility portfolio includes, among other facilities, City Hall and related offices, public safety facilities, public works and utility facilities, airport facilities, parks and recreation facilities, community centers, and other City-owned or City-operated buildings and associated parking areas.

The City evaluates building accessibility using the ADA Self-Evaluation Checklist, the 2010 ADA Standards for Accessible Design, and other applicable standards and guidance. The evaluation considers accessible approaches and entrances, accessible routes to programs and services, toilet facilities, parking, drinking fountains, elevators and lifts, door hardware, signage, and other accessibility features as applicable. The Checklist documents identified barriers and the corrective measures, priorities, and implementation information associated with those barriers.

The City will maintain accessibility features in operable working condition as required by 28 C.F.R. § 35.133. Maintenance, repair, operational changes, and capital improvements may each be used, as appropriate, to preserve or improve program and facility accessibility.

8. Pedestrian Facilities and Public Rights-of-Way

The City evaluates pedestrian facilities within public rights-of-way for which it has responsibility, including sidewalks, curb ramps, crosswalks, shared-use or bicycle/pedestrian trails, pedestrian signals, and other pedestrian access routes. Detailed inventory and findings are maintained in the ADA Self-Evaluation Checklist and related City records.

Methodology and Improvement Program

The City will address accessibility in the public right-of-way through a combination of scheduled street, utility, and capital improvement projects; dedicated sidewalk or accessibility projects; routine maintenance; operational measures; and other appropriate opportunities. Accessibility improvements may be incorporated into the City's Capital Improvement Program and other work programs based on identified needs, legal requirements, project scope, available resources, and coordination with other planned improvements.

The City will periodically review accessibility requests and identified barriers and may prioritize corrective measures based on public safety, severity of the barrier, number of individuals affected, frequency of public use, availability of funding, coordination with planned capital projects, operational considerations, and availability of outside funding sources, while remaining consistent with applicable legal obligations.

Construction and Alterations

The City will incorporate applicable accessibility requirements into the planning, design, construction, and alteration of facilities, infrastructure, and public improvements. Departments responsible for capital projects will consider ADA accessibility requirements during project development and implementation.

For pedestrian facilities in the public right-of-way, the City will apply accessibility standards that are legally applicable to the particular project and will consider the U.S. Access Board's final Public Right-of-Way Accessibility Guidelines (PROWAG), 36 C.F.R. Part 1190, and other applicable federal and state standards and guidance. Where applicable law permits an exception based on technical infeasibility or similar physical or site constraints, the City will document the relevant circumstances and provide accessibility to the maximum extent required by the applicable standard.

Curb ramps, blended transitions, sidewalks, trails, pedestrian signals, bus-stop facilities for which the City has responsibility, and similar pedestrian elements affected by City projects will be constructed or altered in accordance with applicable accessibility requirements. Identified barriers that cannot be fully addressed within the scope of a particular project may remain documented in the City's ADA Self-Evaluation Checklist for consideration as future projects or opportunities arise.

External Agency Coordination

Other public entities and agencies may own or control pedestrian facilities located within or passing through the City. Where appropriate, the City will coordinate with those entities to identify accessibility concerns and facilitate improvements within their respective areas of responsibility.

9. Digital Accessibility and Technology

Web Content and Mobile Applications

The City recognizes that websites, mobile applications, electronic documents, online forms, and other digital communications are important means by which members of the public access City services, programs, and activities. The City will work toward and maintain compliance with the web and mobile accessibility requirements of 28 C.F.R. Part 35, Subpart H, including the applicable WCAG 2.1 Level A and Level AA success criteria and conformance requirements, subject to the exceptions and limitations provided by applicable law.

The City will periodically evaluate its digital content and technology and will implement reasonable corrective measures as necessary. Where permitted by applicable law, the City may provide an effective alternative method of access while accessibility issues are being corrected, but the availability of an alternative method will not substitute for compliance with technical standards when those standards otherwise apply.

Procurement and Third-Party Technology

To the extent applicable to the City's legal obligations and procurement authority, departments should consider accessibility requirements when procuring or developing software, websites, mobile applications, technology platforms, public kiosks, electronic content systems, and other products or services used to provide City programs, services, or activities to the public. This includes consideration of web content and mobile applications that the City provides or makes available through contractual, licensing, or other arrangements.

10. ADA Design Standards and Compliance Practices

The City will use the accessibility standards and guidance applicable to the particular facility, program, project, or activity. Relevant authorities and technical resources may include, as applicable:

- The Americans with Disabilities Act of 1990, as amended;
- 28 C.F.R. Part 35, Nondiscrimination on the Basis of Disability in State and Local Government Services;
- The 2010 ADA Standards for Accessible Design;
- The U.S. Access Board's Public Right-of-Way Accessibility Guidelines, 36 C.F.R. Part 1190, to the extent applicable or appropriately used as technical guidance;
- Federal Highway Administration ADA/Section 504 guidance;
- The Ohio Manual of Uniform Traffic Control Devices;
- The City's ADA Self-Evaluation Checklist and related technical evaluation tools; and
- Other applicable federal or state accessibility standards and guidance.

The City may update the technical resources, checklists, design references, and administrative practices used to implement this Plan without formally amending the Plan, provided that such updates remain consistent with applicable law.

11. Limitations, Decision-Making, and Surcharges

Nothing in this Plan requires the City to take an action that would fundamentally alter the nature of a service, program, or activity or impose undue financial and administrative burdens, as those terms are defined under applicable law. Any determination under 28 C.F.R. § 35.150(a)(3) that an action necessary to achieve program accessibility would result in a fundamental alteration or undue financial and administrative burdens shall be made by the City Manager or an authorized designee after considering all resources available for use in the funding and operation of the service, program, or activity, and shall be accompanied by a written statement of the reasons for reaching that conclusion. If a particular action would result in such an alteration or burden, the City will take any other action that would not result in such an alteration or burden but would nevertheless ensure, to the maximum extent possible, that individuals with disabilities receive the benefits or services provided by the City.

The City will not impose a surcharge on a particular individual with a disability or on a group of individuals with disabilities to cover the cost of measures required to provide nondiscriminatory treatment, including the provision of auxiliary aids or services or reasonable modifications required by Title II.

12. Implementation, Monitoring, and Funding

ADA compliance is an ongoing responsibility. Facilities, programs, communications, and technologies that are accessible at one point in time may later require attention because of damage, disrepair, alterations, operational changes, new technology, or changes in applicable law. The ADA Title II Coordinator and Transition Plan Implementation Coordinator will coordinate periodic monitoring and review appropriate to the City's operations. City employees are encouraged to report accessibility concerns or deficiencies for evaluation.

Implementation of this Plan will be coordinated with annual appropriations, available funding, staffing resources, operational priorities, maintenance programs, and capital improvement planning, consistent with the City's obligations under applicable law. The City may use maintenance activities, operational changes, capital improvements, technology improvements, program modifications, procurement measures, or other appropriate methods to address identified accessibility barriers.

This Plan is intended to remain current over time. The City may make administrative updates that do not materially alter the City's substantive ADA policy, including updates to coordinator contact information, technical references, the ADA Self-Evaluation Checklist, completed improvement information, and implementation records. Substantive revisions to this Plan will be processed in accordance with applicable law and City procedures, including opportunities for public input when required or appropriate.

13. Other City Policies, Practices, and Programs

City policies, practices, programs, services, activities, facilities, and technologies not specifically identified in this Plan remain subject to applicable ADA requirements. Nothing in this Plan limits any obligation imposed on the City by federal or state law.

Exhibit A

ADA Self-Evaluation Checklist

(maintained by the City and periodically reviewed and updated as necessary from time to time)

The ADA Self-Evaluation Checklist is maintained as the City's detailed administrative inventory and implementation record and is not reproduced within this Plan.