



CITY OF KEENE

R-2008-33

Eight

In the Year of Our Lord Two Thousand and

A RESOLUTION COUNCIL POLICY: ADA PROTOCOL FOR ACCESS RAMPS ON CITY PROPERTY

Resolved by the City Council of the City of Keene, as follows:

WHEREAS: It is the intent of the City of Keene to encourage all downtown building owners to make their services/products/premises accessible so that the disabled members of the community may fully participate in all activities and events; and

WHEREAS: Building owners are encouraged to explore all options in terms of providing accessibility and to contact the Code Enforcement Department of the City of Keene to discuss these options; and

WHEREAS: There are many aspects of the Americans with Disabilities Act of which many people may not be aware. The options may include providing services/products at the residence of the disabled, delivery of the product, or providing the service at another location. In some cases, a ramp may not be required. The location of the building in relation to the street or sidewalk and the type of service being offered at the business are examples of the factors to be considered. All of these should be discussed and explored when one is considering the accessibility issue.

The City of Keene has spent considerable time and money to beautify and maintain the downtown areas as the center of the community. The aesthetics and architectural integrity of the downtown is important to the City. In cases where no practical options are available to provide handicap access, such as an internal ramp or lift, the City Council may grant a revocable license for the building owner(s) to use public sidewalk/property in order to provide access. This license may be granted only to provide access to services/products/premises for the disabled and only by vote of the City Council with such terms and conditions as are necessary to protect the public interest and to insure the building owner(s) against unreasonable revocation.

Listed below are the minimum requirements.

1. A request must be made from the building owner(s).
2. The ramp, landing, and/or structure must be completely within the area the building has in common with a City sidewalk. That area may be the building front, side, or rear. The ramp, including the landing at the bottom on the sidewalk, cannot extend in front of an adjoining building unless the adjoining building owner agrees in writing to the extended ramp/structure and the City Council concurs.
3. The remaining sidewalk is to be not less than six feet in width to allow passage of sidewalk plows.

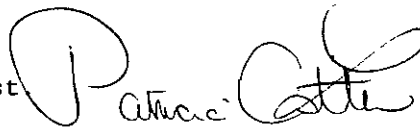
PASSED

In City Council May 15, 2008
Referred to the Planning, Licenses and Development Committee.
Jessie Wood
Assistant City Clerk

4. The ramp structure is to be concrete. The structure/ramp side(s) is to be of concrete/masonry/stone and fit architecturally with the buildings in the area. The railing/handrail is to be metal.
5. The building owner(s) assumes all maintenance, including snow and ice removal.
6. The building owner(s) of all affected properties will execute and record at the Registry of Deeds an indemnification agreement that runs with the property.
7. The building owner(s) is to maintain a liability insurance policy which covers the ramp/structure and names the City as a coinsured.


Philip Dale Pregent, Mayor

Passed: May 7, 2009
A true copy; attest



City Clerk

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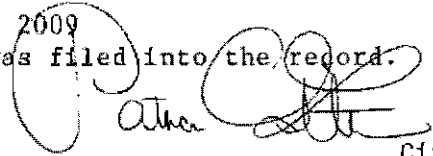
City of Keene
New Hampshire

In City Council May 7, 2009

The report was filed into the record.

April 22, 2009

TO: Mayor and Council



City Clerk

FROM: Planning, Licenses and Development Committee

SUBJECT: RESOLUTION R-2008-33: Council Policy: Protocol for Access Ramps on City Property.

On a vote of 4 to 0, the Planning, Licenses and Development Committee recommends the adoption of Resolution R-2008-33 Relating to Council Policy – Protocol for Access Ramps on City property.


Chairman/Designee

Background:

Medard Kopczynski, Assistant City Manager/Code Enforcement Director addressed the Committee. He explained that this issue concerns residents encumbering City property to construct entrance ramps for accessibility by the handicapped, and the issue was whether this was considered a license or a lease.

Assistant City Attorney Leon Goodwin noted stated that the City Attorney had reviewed this matter and determined that there was not a great deal of difference between issuing a license to encumber City property for this purpose as opposed to a lease agreement. He added that the Resolution, as proposed, would require City Council approval as well as the signing of a revocable license and indemnification agreement.

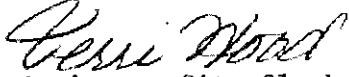
Councilor Duffy made the following motion which was seconded by Councilor Philips:

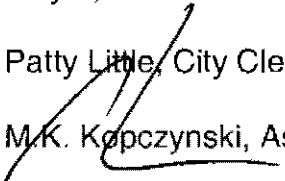
On a vote of 4 to 0, the Planning, Licenses and Development Committee recommends the adoption of Resolution R-2008-33 Relating to Council Policy – Protocol for Access Ramps on City property.

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**City of Keene
New Hampshire
Code Enforcement Department**

Date: May 2, 2008 In City Council May 15, 2008
The memorandum was filed into the record.

To: Patty Little, City Clerk 
Assistant City Clerk

From:  M.K. Kopczyński, Assistant City Manager/ Health Director

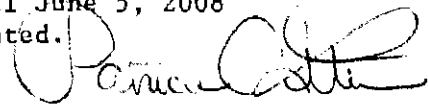
Subject: Policy Review

Recommendation:
Re-adopt Policy CP-Land-006

Background:
This policy was created to provide guidance for the use of city property in the downtown, and to create reasonable licensing procedures that allow ADA compliant ramps to be constructed. The policy is the licensing procedure that sets the parameters of use and the licensing requirements to building access to buildings and that create an encumbrance of the city sidewalk. This provides a mechanism that would not otherwise be possible to provide access to buildings for the disabled.

CC. John Maclean, City Manager

In City Council June 5, 2008
More time granted.



City Clerk

City of Keene
New Hampshire

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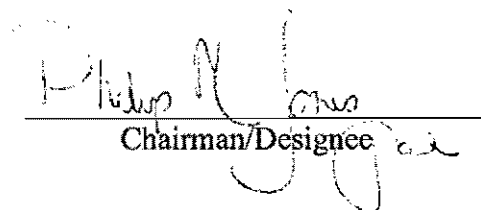
May 21, 2008

TO: Mayor and Council

FROM: Planning, Licenses and Development Committee

SUBJECT: **RESOLUTION: R-2008-33: ADA Protocol for Access Ramps on City Property:**

On a vote of 5-0, the Planning Licenses and Development Committee voted to recommend that Resolution R-2008-33 – ADA Protocol for Access Ramps on City Property be placed on more time.



Chairman/Designee

Background:

The Chair noted that more time would be requested on this Resolution.