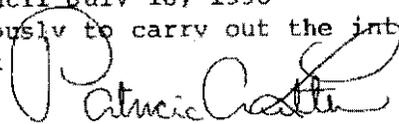


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CITY OF KEENE
NEW HAMPSHIRE

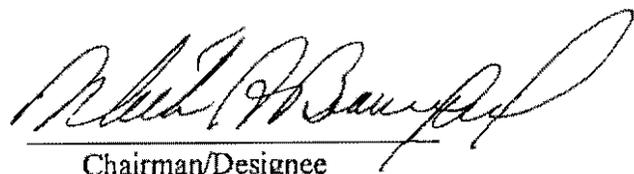
In City Council July 18, 1996
Voted unanimously to carry out the intent
of the report



City Clerk

TO: Mayor and City Council
FROM: Planning, Lands & Licenses Committee
DATE: July 15, 1996
SUBJECT: Report - Code Enforcement Director - ADA Protocol

On a motion by Mitchell Greenwald, seconded by Peter Bradshaw, the Committee voted 4 - 0 to recommend that the City Council accept the ADA Protocol with the following changes: 1)the addition of a preamble to inform applicants of options available to meet ADA requirements; 2) that Item #2 be modified to indicate all sides of a building; 3)that Item #6 be modified to clarify interests of property owners adjacent to ramps.



Chairman/Designee

Background Notes:

Mike Forrest explained the draft protocol was developed as a guideline for businesses required by the Americans with Disabilities Act (ADA) to construct access ramps when the ramps would be located on City sidewalks. His said it includes issues which applicants should address prior to coming to the Council to seek a license to build a ramp. Chairman Beaugard said that the protocol should include a section on options other than ramps which could be used to bring building into ADA compliance. Mike Forrest said that it was the intent of the protocol to offer City Staff assistance to help applicant understand all options prior to deciding to build a ramp. John MacLean, City Manager suggested the addition of a preamble to inform business owners of available options.

In response to Committee questions regarding the location of ramps in item #2 of the protocol, Mike Forrest explained that ramps located on the front side of buildings which

also extend across the front of an adjacent building would not be allowed to obscure the display windows of adjacent buildings. He also said that ramps on the sides of buildings were allowable. The Committee agreed that item #2 should be changed to read all sides of a building, not just the front.

In response to questions about the revocable licenses, Gerry Carney said that the license should be revocable but that licensees need assurance about the criteria which would warrant the revocation of a license and language can be added. Criteria for revocation might include such issues as: lack of proper maintenance and non-compliance with ADA standards. When asked what happens to a ramp if the license is revoked, Mr. Carney said that the ramp should be removed.

The Committee discussed a question raised by Councilor Douglas Lovejoy on item #6 of the protocol regarding rights of owners of property adjacent to buildings with ramps and determined that this item need more clarity.

**GUIDELINES FOR PROVIDING ACCESS TO
SERVICES/PRODUCTS/PREMISES FOR THE
DISABLED IN THE DOWNTOWN AREA**

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. Building owners are encouraged to explore all options in terms of providing accessibility and to contact the Code Enforcement/Building Inspections Department of the City of Keene to discuss these options. The Department will be pleased to assist.

There are many aspects of the ADA (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 area as the center of the community. The aesthetics and architectural integrity of the downtown is important to the City. In cases where no other 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 sidewalks/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 (6') feet in width to allow passage of sidewalk plows.

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.