



OFFICE OF THE CITY CLERK
KAREEMAH FOWLER, CITY CLERK

MEMORANDUM

TO: MEMBERS OF THE COMMON COUNCIL
FROM: KAREEMAH FOWLER, CITY CLERK
DATE: JANUARY 10, 2019
SUBJECT: COMMITTEE MEETING NOTICE

The following Common Council Committee Meetings have been scheduled for **MONDAY, JANUARY 14, 2019:**

Council Informal Meeting Room
4th Floor County-City Building
227 W. Jefferson Blvd.
South Bend, IN 46601

- | | | |
|-------------------------|---|-------------------------------------|
| <u>3:30 P.M.</u> | <u>COMMUNITY INVESTMENT</u> | GAVIN FERLIC, CHAIRPERSON |
| | 1. Bill No. 67-18 - Amending Chapter 13, Article 11- Removing Certain Restrictions on Tattoo Practitioner Premises Licensing | |
| <u>3:50 P.M.</u> | <u>HEALTH & PUBLIC SAFETY</u> | JO M. BRODEN, CHAIRPERSON |
| | 1. Bill No. 68-18 - Approving Update to ADA Transition Plan of 2013 and Title VI Plan: Non Discrimination in City Services, Programs, & Activities Under the Civil Rights Act of 1964 | |
| <u>4:10 P.M.</u> | <u>UTILITIES</u> | JAKE TESHKA, CHAIRPERSON |
| | 1. Bill No. 61-18 - Amending the South Bend Municipal Code to add a New Article 14 Establishing Interim Storm Water Utility Rates | |
| <u>4:40 P.M.</u> | <u>ZONING & ANNEXATION</u> | OLIVER J. DAVIS, CHAIRPERSON |
| | 1. Bill No. 59-18 - 1405 & 1505 Howard Street Rezoning
2. Bill No. 18-73 - Special Exception: 1718 Marine Street | |

Council President Tim Scott has called an **Informal Meeting** of the Council which will commence immediately after the adjournment of the Zoning & Annexation Committee Meeting.

- | | |
|--|-----------------------------|
| <u>INFORMAL MEETING OF THE COMMON COUNCIL</u> | TIM SCOTT, PRESIDENT |
| 1. Discussion of Council Agenda | |
| 2. Update and Announcements | |
| 3. Adjournment | |

cc: Mayor Pete Buttigieg
Committee Meeting List
Media

INTEGRITY | SERVICE | ACCESSIBILITY

JENNIFER M. COFFMAN
CHIEF DEPUTY/DIRECTOR OF OPERATIONS

BIANCA L. TIRADO
DEPUTY/DIRECTOR OF POLICY

JOSEPH R. MOLNAR
ORDINANCE VIOLATION CLERK

EXCELLENCE | ACCOUNTABILITY | INNOVATION | INCLUSION | EMPOWERMENT
455 County-City Building | 227 W. Jefferson Blvd. | South Bend, Indiana 46601 | p 574.235.9221 | f 574.235.9173 | www.southbendin.gov



NOTICE FOR HEARING AND SIGHT IMPAIRED PERSONS
Auxiliary Aid or Other Services may be Available upon Request at No Charge.
Please give Reasonable Advance Request when Possible



SOUTH BEND COMMON COUNCIL

MEETING AGENDA

Monday, January 14, 2019
7:00 P.M.

1. **INVOCATION- MATTHEW WESAW- CHAIRMAN OF THE POKAGON BAND OF THE POTAWATOMI**
2. **PLEDGE TO THE FLAG**
3. **ROLL CALL**
4. **REPORT FROM THE SUB-COMMITTEE ON MINUTES**

5. **SPECIAL BUSINESS**
BILL NO.

MOTION REGARDING SOUTH BEND COMMON COUNCIL V. SOUTH BEND CITY ADMINISTRATION ST. JOSEPH SUPERIOR COURT NO. 71D07-1209-MI-000159

19-02 A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA CALLING FOR THE ENACTMENT OF LEGISLATION ADDRESSING HATE CRIMES IN THE STATE OF INDIANA

6. **REPORTS FROM CITY OFFICES**

7. **COMMITTEE OF THE WHOLE**
BILL NO.

TIME: _____

59-18 PUBLIC HEARING ON AN ORDINANCE AMENDING THE ZONING ORDINANCE FOR PROPERTY LOCATED AT 1405 & 1505 EAST HOWARD STREET, COUNCILMANIC DISTRICT NO. 4 IN THE CITY OF SOUTH BEND, INDIANA

61-18 PUBLIC HEARING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AMENDING CHAPTER 17 OF THE SOUTH BEND MUNICIPAL CODE TO ADD A NEW ARTICLE 14 ESTABLISHING INTERIM STORM WATER UTILITY RATES AND

AMENDING CHAPTER 2, ARTICLE 14 TO CREATE A NEW FUND FOR THESE REVENUES TO BE KNOWN AS THE STORM SEWER FUND (#667)

[67-18](#) PUBLIC HEARING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA AMENDING ONE SUB-PART EACH OF SECTIONS 13-126 AND 13-127, CHAPTER 13, ARTICLE 11 OF THE SOUTH BEND MUNICIPAL CODE, BY REMOVING CERTAIN RESTRICTIONS ON TATTOO PRACTITIONER AND PREMISES LICENSING

[68-18](#) PUBLIC HEARING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, APPROVING THE CITY OF SOUTH BEND'S UPDATES TO THE CITY'S 2013 ADA PLAN FOR PEDESTRIAN FACILITIES IN THE PUBLIC RIGHT OF WAY AND ITS TITLE VI PLAN FOR NON-DISCRIMINATION IN CITY SERVICES, PROGRAMS AND ACTIVITIES UNDER THE CIVIL RIGHTS ACT OF 1964

8. **BILLS ON THIRD READING**
BILL NO.

TIME: _____

[59-18](#) THIRD READING ON AN ORDINANCE AMENDING THE ZONING ORDINANCE FOR PROPERTY LOCATED AT 1405 & 1505 EAST HOWARD STREET, COUNCILMANIC DISTRICT NO. 4 IN THE CITY OF SOUTH BEND, INDIANA

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9. **RESOLUTIONS**

BILL NO.

18-73 A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, APPROVING A PETITION OF THE AREA BOARD OF ZONING APPEALS FOR THE PROPERTY LOCATED AT 1718 MARINE STREET

10. **BILLS ON FIRST READING**

BILL NO.

01-19 FIRST READING ON AN ORDINANCE TO VACATE THE FOLLOWING DESCRIBED PROPERTY: NORTH/SOUTH ALLEY 14' IN WIDTH RUNNING NORTH APPROXIMATELY 130' FROM NORTH RIGHT OF WAY OF BRYAN STREET TO EAST/WEST ALLEY

02-19 FIRST READING ON AN ORDINANCE AMENDING THE ZONING ORDINANCE FOR PROPERTY LOCATED AT 2307 EDISON ROAD, COUNCILMANIC DISTRICT NO. 4 IN THE CITY OF SOUTH BEND, INDIANA

03-19 FIRST READING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AMENDING CHAPTER SIX OF THE SOUTH BEND MUNICIPAL CODE BY ADDING A NEW ARTICLE 14 TITLED RENTAL SAFETY VERIFICATION PROGRAM

11. **UNFINISHED BUSINESS**

BILL NO.

19-01 A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, APPROVING A PETITION OF THE AREA BOARD OF ZONING APPEALS FOR THE PROPERTY LOCATED AT 3602 WEST SAMPLE STREET

12. **NEW BUSINESS**

13. **PRIVILEGE OF THE FLOOR**

14. **ADJOURNMENT**

TIME: _____

Notice for Hearing and Sight Impaired Persons
Auxiliary Aid Or Other Services Are Available Upon Request At No Charge.
Please Give Reasonable Advance Request When Possible.

In the interest of providing greater public access and to promote greater transparency, the South Bend Common Council agenda has been translated into Spanish. All agendas are available online from the Council's website, and also in paper format in the Office of the City Clerk, 4th Floor County-City Building. Reasonable efforts have been taken to provide an accurate translation of the text of the agenda, however, the official text is the English version. Any discrepancies which may be created in the translation, are not binding. Such translations do not create any right or benefit, substantive or procedural, enforceable at law or equity by a party against the Common Council or the City of South Bend, Indiana.



2019 COMMON COUNCIL STANDING COMMITTEES (Rev. 01-10-19)

COMMUNITY INVESTMENT COMMITTEE

Oversees the various activities of the Department of Community Investment. This Committee reviews all real and personal tax abatement requests and works closely with the Business Development Team.

Gavin Ferlic, Chairperson

Regina Williams-Preston, Vice-Chairperson

Oliver J. Davis, Member

Sharon L. McBride, Member

COMMUNITY RELATIONS COMMITTEE

Oversees the various activities of the Engagement and Economic Empowerment, Neighborhood Development, and Community Resources Teams within the City's Department of CI and is charged with facilitating partnerships and ongoing communications with other public and private entities operating within the City.

Regina Williams-Preston, Chairperson

Gavin Ferlic, Vice-Chairperson

John Voorde, Member

Jo M. Broden, Member

COUNCIL RULES COMMITTEE

Oversees the regulations governing the overall operation of the Common Council, as well as all matters of public trust. Its duties are set forth in detail in Section 2-10.1 of the *South Bend Municipal Code*.

Tim Scott, Member

Jake Teshka, Member

Gavin Ferlic, Member

Karen L. White, Member

HEALTH AND PUBLIC SAFETY COMMITTEE

Oversees the various activities performed by the Fire and Police Departments, EMS, Department of Code Enforcement, ordinance violations, and related health and public safety matters.

Jo M. Broden, Chairperson

Karen L. White, Vice-Chairperson

Oliver J. Davis, Member

John Voorde, Member

INFORMATION AND TECHNOLOGY COMMITTEE- Innovation

Oversees the various activities of the City's Department of Innovation, which includes the Divisions of Information Technology and 311 so that the City of South Bend remains competitive and on the cutting edge of developments in this area. Reviewing and proposing upgrades to computer systems and web sites, developing availability and access to GIS data and related technologies are just some of its many activities.

Tim Scott, Chairperson

Gavin Ferlic, Vice-Chairperson

Jake Teshka, Member

Sharon L. McBride, Member

PARC COMMITTEE- Venues Parks and Arts (Parks, Recreation, Cultural Arts & Entertainment)

Oversees the various activities of the Century Center, College Football Hall of Fame, Four Winds Stadium, Morris Performing Arts Center, Studebaker National Museum, South Bend Regional Museum of Art, Potawatomi Zoo, My SB Trails, DTSB relations, and the many recreational and leisure activities offered by the Department of Venues Parks and Arts.

Sharon L. McBride, Chairperson

Jake Teshka, Vice-Chairperson

Oliver J. Davis, Member

John Voorde, Member



2019 COMMON COUNCIL STANDING COMMITTEES (Rev. 01-10-19)

PERSONNEL AND FINANCE COMMITTEE

Oversees the activities performed by the Department of Administration and Finance, and reviews all proposed salaries, budgets, appropriations and other fiscal matters, as well as personnel policies, health benefits and related matters.

Karen L. White, Chairperson
John Voorde, Vice-Chairperson

Regina Williams-Preston, Member
Jo M. Broden, Member

PUBLIC WORKS AND PROPERTY VACATION COMMITTEE

Oversees the various activities performed by the Building Department, the Department of Public Works and related public works and property vacation issues.

John Voorde, Chairperson
Sharon L. McBride, Vice-Chairperson

Jo M. Broden, Member
Karen L. White, Member

RESIDENTIAL NEIGHBORHOODS COMMITTEE

Oversees the various activities and issues related to neighborhood development and enhancement.

Karen L. White, Chairperson
Jo M. Broden, Vice-Chairperson

Regina Williams-Preston, Member
Sharon L. McBride, Member

UTILITIES COMMITTEE

Oversees the activities of all enterprise entities including but not limited to the Bureau of Waterworks, Bureau of Sewers and all related matters.

Jake Teshka, Chairperson
Oliver J. Davis, Vice-Chairperson

Sharon L. McBride, Member
Regina Williams-Preston, Member

ZONING AND ANNEXATION COMMITTEE

Oversees the activities related to the Board of Zoning Appeals, recommendations from the Area Plan Commission and the Historic Preservation Commission, as well as all related matters addressing annexation and zoning.

Oliver J. Davis, Chairperson
John Voorde, Vice-Chairperson

Gavin Ferlic, Member
Jo M. Broden, Member

SUB-COMMITTEE ON MINUTES

Reviews the minutes prepared by the Office of the City Clerk of the regular, special and informal meetings of the Common Council and makes a recommendation on their approval/modification to the Council

Tim Scott, Member
Jake Teshka, Member



2019 COMMON COUNCIL STANDING COMMITTEES (Rev.01-10-19)

TIM SCOTT, 1ST District Council Member

President

Information and Technology Committee, Chairperson

Council Rules Committee, Member
Sub-Committee on Minutes, Member

REGINA WILLIAMS-PRESTON 2nd District Council Member

Community Relations Committee, Chairperson

Community Investment Committee, Vice-Chairperson

Residential Neighborhood Committee, Member
Personnel & Finance Committee, Member
Utilities Committee, Member

SHARON L. MCBRIDE, 3rd District Council Member

PARC Committee, Chairperson

Public Works & Property Vacation, Vice-Chair

Community Investment Committee, Member
Information & Technology Committee, Member
Utilities Committee, Member
Residential Neighborhoods Committee, Member

JO M. BRODEN, 4TH District Council Member

Health and Public Safety Committee, Chairperson

Residential Neighborhood Committee, Vice-Chairperson

Public Works & Property Vacation, Member
Zoning & Annexation Committee, Member
Community Relations Committee, Member
Personnel and Finance Committee, Member

JAKE TESHKA, 5TH District Council Member

Utilities Committee, Chairperson

PARC Committee, Vice-Chairperson

Council Rules Committee, Member
Information and Technology Committee, Member
Sub-Committee on Minutes, Member

OLIVER J. DAVIS, 6TH District Council Member

Zoning & Annexation Committee, Chairperson

Utilities Committee, Vice-Chairperson

Community Investment Committee, Member
Health & Public Safety Committee, Member
PARC Committee, Member

GAVIN FERLIC, AT LARGE Council Member

Community Investment Committee, Chairperson

Information & Technology Committee, Vice-Chairperson

Community Relations Committee, Vice-Chairperson

Council Rules Committee, Member
Zoning & Annexation Committee, Member

KAREN L. WHITE, AT LARGE Council Member

Vice-President

Residential Neighborhood Committee, Chairperson

Personnel & Finance Committee, Chairperson

Health & Public Safety Committee, Vice-Chairperson

Council Rules Committee, Member
Public Works & Property Vacation, Member

JOHN VOORDE, AT LARGE Council Member

Chairperson, Committee of the Whole

Public Works & Property Vacation, Chairperson

Zoning & Annexation Committee, Vice-Chairperson

Personnel and Finance Committee, Vice-Chairperson

Community Relations Committee, Member
PARC Committee, Member
Health and Public Safety Committee, Member



AREA PLAN COMMISSION OF ST. JOSEPH COUNTY, IN

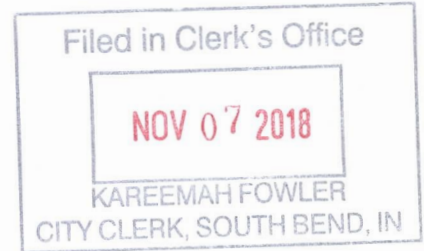
LAWRENCE P. MAGLIOZZI
EXECUTIVE DIRECTOR

Angela M. Smith
Deputy Director

227 W. JEFFERSON BLVD., ROOM 1140 COUNTY-CITY BUILDING, SOUTH BEND, INDIANA 46601 (574) 235-9571

November 7, 2018

Honorable Common Council
4th Floor, County-City Building
South Bend, IN 46601



RE: 1405 & 1505 East Howard Street
APC# 2881-18

Dear Council Members:

Enclosed is an Ordinance for the proposed Zoning Ordinance Amendment. Please include the attached Ordinance on the Council agenda for first reading at your November 12th, 2018 Council meeting, and set it for public hearing at your December 24th, 2018 Council meeting. The petition is tentatively scheduled for public hearing at the December 18th, 2018 Area Plan Commission meeting. The recommendation of the Area Plan Commission will be forwarded to your office by noon on the day following the public hearing.

If you have any questions, please feel free to contact our office.

Sincerely,

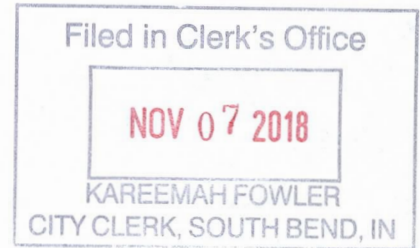
A handwritten signature in black ink, appearing to be 'Jordan Wyatt'.

Jordan Wyatt
Zoning Planner

CC: Bob Palmer

BILL NO. 59-18

ORDINANCE NO. _____



**AN ORDINANCE AMENDING THE ZONING ORDINANCE FOR PROPERTY
LOCATED AT 1405 & 1505 EAST HOWARD STREET, COUNCILMANIC DISTRICT
NO. 4 IN THE CITY OF SOUTH BEND, INDIANA**

STATEMENT OF PURPOSE AND INTENT

Petitioners desire to rezone the property from SF2 to MF1 for single-family and multifamily homes.

NOW THEREFORE BE IT ORDAINED by the Common Council of the City of South Bend, Indiana as follows:

SECTION I. Ordinance No. 9495-04, is amended, which ordinance is commonly known as the Zoning Ordinance of the City of South Bend, Indiana, be and the same hereby is amended in order that the zoning classification of the following described real estate in the City of South Bend, St. Joseph County, State of Indiana:

1405 East Howard Street:

The West Half of a tract of land containing five (5) acres described as follows:
Beginning as a point 14.40 chains South of the Northeast corner of the South Half of the Northwest Quarter of Section 6, Township 37 North, Range 3 East; thence running North 20 rods; thence West 40 rods; thence South 20 rods; thence East 40 rods to the place of beginning. Containing 2 ½ acres, more or less.

1505 East Howard Street:

A parcel of land located in the South Half of the Northwest Quarter of Section 6, Township 37, Range 3 East, described as follows:
Beginning at a point on the North line of Howard Street, 107 feet West of the West Line of Twyckenham Drive; thence North 134 feet; thence West 50 feet; thence North 171 feet; thence West 133 feet; thence South 305 feet to the North line of Howard Street; thence East 183 feet to the place of beginning.

be and the same is hereby established as MF1 Urban Corridor Multifamily District.

SECTION II. This ordinance is and shall be subject to commitments as provided by Chapter 21-

PETITION FOR ZONE MAP AMENDMENT
City of South Bend, Indiana

I (we) the undersigned make application to the City of South Bend Common Council to amend the zoning ordinance as herein requested.

1) The property sought to be rezoned is located at:

*1405 & 1505 East Howard St.
South Bend, IN 46617*

2) The property Tax Key Number(s) is/are: *018-5102-3598; 018-5102-359702*

3) Legal Descriptions:

1405 East Howard Street:

The West Half of a tract of land containing five (5) acres described as follows: Beginning as a point 14.40 chains South of the Northeast corner of the South Half of the Northwest Quarter of Section 6, Township 37 North, Range 3 East; thence running North 20 rods; thence West 40 rods; thence South 20 rods; thence East 40 rods to the place of beginning. Containing 2 1/2 acres, more or less.

1505 East Howard Street:

A parcel of land located in the South Half of the Northwest Quarter of Section 6, Township 37, Range 3 East, described as follows: Beginning at a point on the North line of Howard Street, 107 feet West of the West line of Twyckenham Drive; thence North 134 feet; thence West 50 feet; thence North 171 feet; thence West 133 feet; thence South 305 feet to the North line of Howard Street; thence East 183 feet to the place of beginning.

4) Total Site Area: *3.66 Acres*

5) Name and address of property owner(s) of the petition site:

*Howard Street Land Trust (1405 East Howard Street) & Five Corners LLC (1505 East Howard Street)
814 Marietta St.
South Bend, IN 46601
Phone number with Area Code
E-Mail Address*

Name and address of additional property owners, if applicable:

6) Name and address of contingent purchaser(s), if applicable:

*Century Builders
Attn: David Sieradzki
314 West Catalpa Dr., Suite F
Mishawaka, IN 46545
574.227.4171
david@centurycustombuilders.com*

Name and address of additional property owners, if applicable:

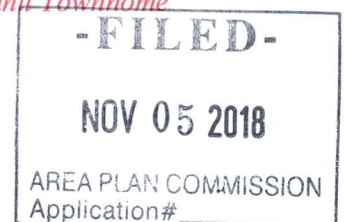
7) It is desired and requested that this property be rezoned:

From: *SF2 Single Family Two Family District Additional zoning district, if applicable*

To: *MF1 Urban Corridor Multifamily District*

8) This rezoning is requested to allow the following use(s): *Mix of Single-family and Multi-unit Townhome Residential Dwelling Units*

IF VARIANCE(S) ARE BEING REQUESTED (if not, please skip to next section):



- 1) *1.) Rear setbacks - request a variance from the required 25' minimum rear yard and building setback to 0'*
- 2) A statement on how each of the following standards for the granting of variances is met:
 - (a) The approval will not be injurious to the public health, safety, morals and general welfare of the community: *The rear yard of the subject property does abut private property, rather it is adjacent to Fredrickson Park. The structures being built in the rear yard will actually front on the adjacent park, leveraging the park as an amenity for the development. The presence of the homes adjacent to the park will proved added security for park visitors through enhanced visibility from homeowners. Additionally, the provision of common open space throughout the development provides additional relief from the reduction in the rear yard setback.*
 - (b) The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner; and: *The proposed developmen brings significant new investment into the neighborhood through new individual home/property owners, which should have a positive impact on the desirability and value of the surrounding properties. The proposed development is introducing a new housing type and style into the neighborhood that is consistent with similar types and styles of housing to the north of the property, which have greatly increased property values.*
 - (c) The strict application of the terms of this Ordinance would result in practical difficulties in the use of the property: *The unique design and development model of this prosed project cannot be accomplished with the strict aplcation of the rear yard setback.*

IF A SPECIAL EXCEPTION USE IS BEING REQUESTED, (if not, please skip to next section):

- 1) The Special Exception Use(s) being requested: *Insert text*
- 2) A statement on how each of the following standards for the granting of a Special Exception Use is met:
 - (a) The proposed *use* will not be injurious to the public health, safety, comfort, community moral standards, convenience or general welfare: *Please explain how your Special Exception Use petition addresses this criteria*
 - (b) The proposed *use* will not injure or adversely affect the *use* of the adjacent area or property values therein: *Please explain how your Special Exception Use petition addresses this criteria*
 - (c) The proposed *use* will be consistent with the character of the *district* in which it is located and the land uses authorized therein; and: *Please explain how your Special Exception Use petition addresses this criteria*
 - (d) The proposed use is compatible with the recommendations of the Comprehensive Plan. *Please explain how your Special Exception Use petition addresses this criteria*

* In the case of a Special Exception Use, the petitioner shall be held to the representations made on the Preliminary Site Plan included with this petition.

CONTACT PERSON:

*Abonmarche Consultants, Inc.
Attn: Brian McMorrow
750 Lincoln Way East
South Bend, IN 46601
574.314.1022
bmcorrow@abonmarche.com*



BY SIGNING THIS PETITION, THE PETITIONERS/PROPERTY OWNERS OF THE ABOVE-DESCRIBED REAL ESTATE AUTHORIZE THAT THE CONTACT PERSON LISTED ABOVE MAY

**REPRESENT THIS PETITION BEFORE THE AREA PLAN COMMISSION AND COMMON COUNCIL
AND TO ANSWER ANY AND ALL QUESTIONS THEREON.**

Signature(s) of all property owner(s), or signature of Attorney for all property owner(s):

<u>Charles D. Hays</u>	<u>Charles D. Hays</u>
Trustee	Managing Member
<u>Howard Street Land Trust</u>	<u>Five Corners LLC</u>
<u>Charles S. Hays</u>	<u>Charles S. Hays</u>

Filed in Clerk's Office
NOV 07 2018
KAREEMAH FOWLER
CITY CLERK, SOUTH BEND, IN

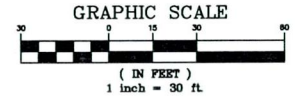
- FILED -
NOV 05 2018
AREA PLAN COMMISSION
Application#

SHEET TITLE
 DRAWN BY: SEG
 DESIGNED BY:
 PM REVIEW: BMc
 QA/QC REVIEW: DSK
 DATE: 10/18/18
 SEAL:

SIGNATURE:
 DATE:
 SCALE:
 HORIZ: 1" = 30'
 VERT: N/A
 ACI JOB #:
17-1285
 SHEET NO:
2 of 3

Filed in Clerk's Office
NOV 07 2018
 KAREEMAH FOWLER
 CITY CLERK, SOUTH BEND, IN

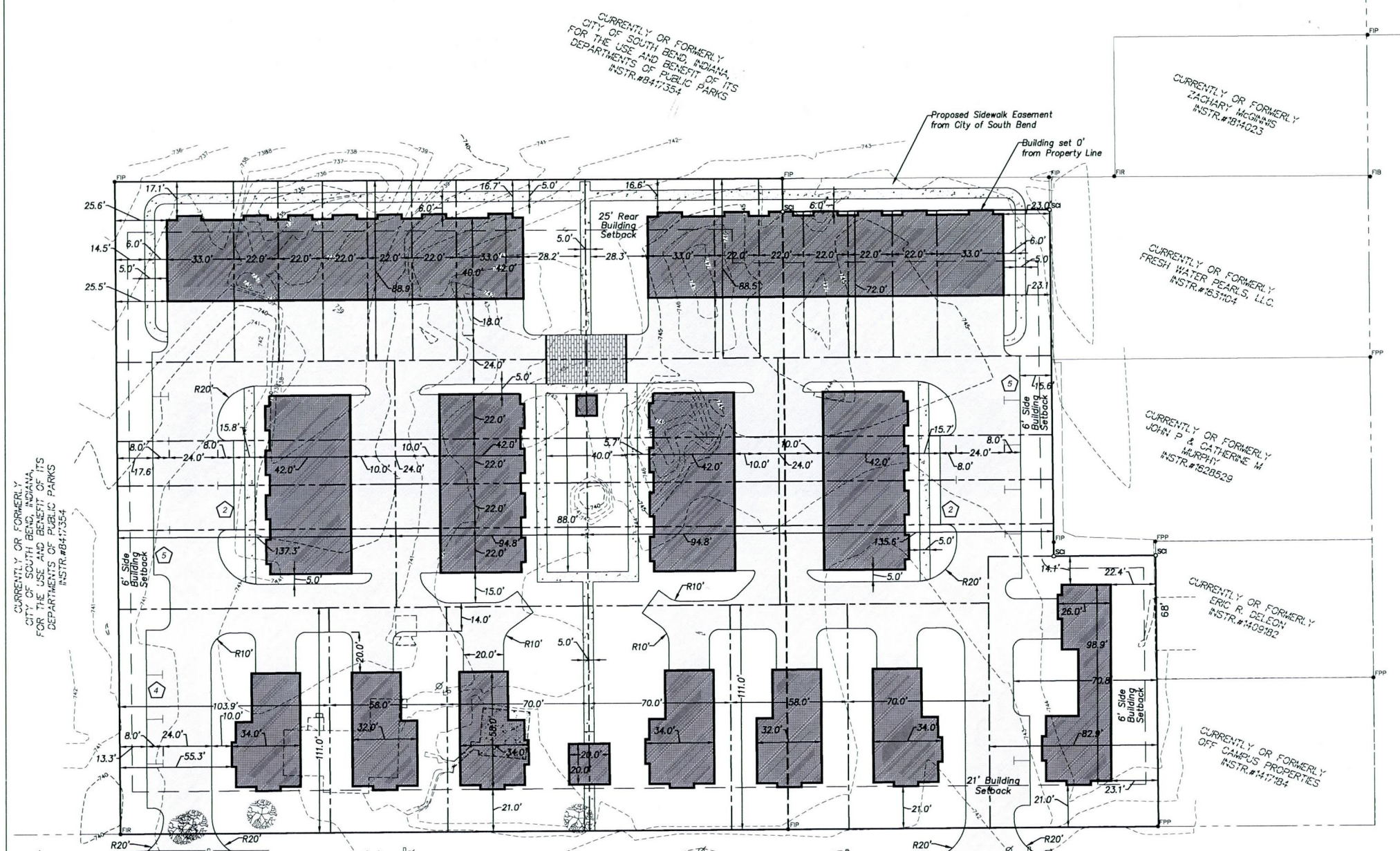
-FILED-
NOV 05 2018
 AREA PLAN COMMISSION
 Application#



NORTH TWYCKENHAM DRIVE (80' RW)

HOWARD STREET (50' RW)

NORTH JACOB STREET
 (66' RW)



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LAWRENCE P. MAGLIOZZI
EXECUTIVE DIRECTOR

Angela M. Smith
Deputy Director

AREA PLAN COMMISSION OF ST. JOSEPH COUNTY, IN

227 W. JEFFERSON BLVD., ROOM 1140 COUNTY-CITY BUILDING, SOUTH BEND, INDIANA 46601 (574) 235-9571

December 19, 2018

Honorable South Bend Common Council
4th Floor, County-City Building
South Bend, IN 46601

RE: Bill #59-18
Rezoning: APC#2881-18 – 1405 and 1505 Howard St.

Dear Council Members:

The Area Plan Commission held a public hearing on December 18, 2018 for the above referenced petition. This petition is set for public hearing before the Common Council on Monday, January 14, 2019.

Ordinance & Petition Amendments:

The where no changes to the ordinance.

Public Hearing Summary:

There was one person who spoke in opposition and one letter in opposition. Their comments included concerns about traffic and safety of the intersections at Jacobs and Howard with the increased traffic. They also spoke that this project would be out of character with the neighborhood. One person spoke in favor saying it was a great opportunity for infill development.

If you have any further questions, please feel free to contact me at (574) 235-9571.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jordan Wyatt'.

Jordan Wyatt
Planner

CC: Bob Palmer

SERVING ST. JOSEPH COUNTY, SOUTH BEND, LAKEVILLE, NEW CARLISLE, NORTH LIBERTY, OSCEOLA & ROSELAND

WWW.STJOSEPHCOUNTYINDIANA.COM/AREAPLAN



AREA PLAN COMMISSION OF ST. JOSEPH COUNTY, IN

LAWRENCE P. MAGLIOZZI
EXECUTIVE DIRECTOR

Angela M. Smith
Deputy Director

227 W. JEFFERSON BLVD., ROOM 1140 COUNTY-CITY BUILDING, SOUTH BEND, INDIANA 46601 (574) 235-9571

Wednesday, December 19, 2018

The Honorable Council of the City of South Bend
4th Floor, County-City Building
South Bend, IN 46601

RE: A proposed ordinance of Howard Street Land Trust & Five Corners LLC to zone from SF2 Single Family & Two Family District to MF1 Urban Corridor Multifamily District, property located at 1405 & 1505 East Howard Street, City of South Bend – APC# 2881-18.

Dear Council Members:

I hereby Certify that the above referenced ordinance of Howard Street Land Trust & Five Corners LLC was legally advertised on December 6, 2018 and that the Area Plan Commission at its public hearing on December 18, 2018 took the following action:

Upon a motion by Adam Devon, being seconded by Elizabeth Maradik and unanimously carried, a proposed ordinance of Howard Street Land Trust & Five Corners LLC to zone from SF2 Single Family & Two Family District to MF1 Urban Corridor Multifamily District, property located at 1405 & 1505 East Howard Street, City of South Bend, is sent to the Common Council with a FAVORABLE recommendation, subject to the following written commitments: 1) The buildings fronting Howard Street will have a maximum height of 35 feet and 2 and ½ stories. 2) A north-south sidewalk will be provided on the west side with public access to Fredrickson Park on the northwest corner of the project site 3) Type B Perimeter Landscaping will be provided on the east side of the property abutting the drive and parking area; 4.) Type A Perimeter Landscaping will be provided along Howard Street and 5) The curb cut on the west side of the project will line up with Jacob Street. Rezoning the site to MF1 will provide a mix of housing types that is compatible with the character of the surrounding properties and meets the housing needs of the community.

The deliberations of the Area Plan Commission and points considered in arriving at the above decision are shown in the minutes of the public hearing, and will be forwarded to you at a later date to be made a part of this report.

Sincerely,

A handwritten signature in black ink that reads 'L. P. Magliozzi'.

Lawrence P. Magliozzi

Attachment

CC: Howard Street Land Trust & Five Corners LLC
Century Builders - Attn: David Sieradzki

SERVING ST. JOSEPH COUNTY, SOUTH BEND, LAKEVILLE, NEW CARLISLE, NORTH LIBERTY, OSCEOLA & ROSELAND

WWW.STJOSEPHCOUNTYINDIANA.COM/AREAPLAN

Staff Report

12/6/2018

APC # 2881-18
Owner: Howard Street Land Trust & Five Corners LLC
Location: 1405 & 1505 East Howard Street
Jurisdiction: City of South Bend
Public Hearing Date: 12/18/2018

Requested Action:

The petitioner is requesting a zone change from SF2 Single Family & Two Family District to MF1 Urban Corridor Multifamily District and seeking 1 variance from the development standards.

Land Uses and Zoning:

- On site: On site is a single-family home.
- North: To the north is Fredrickson Park zoned SF2 Single Family & Two Family District.
- East: To the east are single-family homes zoned SF2 Single Family & Two Family District.
- South: To the south across Howard Street are single-family homes zoned SF2 Single Family & Two Family District.
- West: To the west is Fredrickson Park zoned SF2 Single Family & Two Family District.

District Uses and Development Standards:

The MF1 District is established to protect, promote and maintain the development of urban style multifamily dwellings and to provide for limited public and institutional uses that are compatible with a multifamily residential neighborhood. The development standards are designed to promote the establishment of: multifamily dwelling projects (including apartment, townhouse or row house style developments); and, high density two family dwelling developments located along a block face, in developed areas of the community which are served by a full range of public amenities.

Site Plan Description:

The site plan shows the development of the site for 7 single-family homes abutting Howard Street and 30 multifamily units on the interior of the lots. Parking would be located in garages for the units with some on-street parking. A pedestrian path runs along the north side of the property.

Zoning and Land Use History And Trends:

The properties in the area have been consistantly maintained as single-family residential.

Traffic and Transportation Considerations:

Howard Street is two lanes.

Utilities:

The site will be served by municipal water and sewer.

Agency Comments:

The Department of Community Investment offers their favorable recommendation subject to the written commitments listed below. DCI brought up concerns about the possible environmental issues from the former landfill near the site. They expect that a homeowners association will be created to handle the maintenance of common drives and amenities. Public Works commented that public infrastructure is in place to support the development without additional public investment. Public Works reiterates DCI's comments about creating a homeowners association for maintenance and a public connection to Fredrickson Park.

Commitments:

The staff is requesting the following written commitments: 1) The buildings fronting Howard Street will have a maximum height of 35 feet and 2 and 1/2 stories; 2) A north-south sidewalk will be provided on the west edge of the property with public access to Fredrickson Park on the northwest corner of the project site; and 3) Type B Landscaping will be provided on the east side of the property abutting the drive and parking area.

Criteria to be considered in reviewing rezoning requests, per IC 36-7-4-603:

1. Comprehensive Plan:

Policy Plan:

This petition is consistent with City Plan, South Bend Comprehensive Plan (2006), Objective H 1: Ensure that an adequate supply of housing is available to meet the needs, preferences, and financial capabilities of households now and in the future; and Policy H 1.1: Encourage residential developments to contain a mix of housing types, densities, price ranges, and amenities.

Land Use Plan:

The Future Land Use Plan identifies this area for medium density residential development.

Plan Implementation/Other Plans:

The Northeast Neighborhood Development Area Plan (2003) designates these properties for single-family home ownership preservation.

2. Current Conditions and Character:

The surrounding area has developed as single-family residential with more dense residential developments at the nodes.

3. Most Desirable Use:

The most desirable use for the property would be residential development that incorporates the character of the surrounding neighborhood.

4. Conservation of Property Values:

Locating the single-family homes along Howard Street will maintain the character with the surrounding neighborhood and should not adversely affect surrounding property values.

5. Responsible Development And Growth:

It is responsible development and growth to encourage development that includes a mix of housing types to meet the needs of the community.

Combined Public Hearing

The petitioner is seeking the following variance(s):

from the minimum rear yard setback of 25' to 0'

State statutes and the Zoning Ordinance require that certain standards must be met before a variance can be approved. The standards and their justifications are as follows:

(1) The approval will not be injurious to the public health, safety, morals and general welfare of the community;

The approval of the variance will not be injurious to the public health, safety, morals and general welfare of the community.

(2) The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner;

Abutting a residential building against public property should not adversely affect adjacent property values.

(3) The strict application of the terms of this Chapter would result in practical difficulties in the use of the property

The strict application of the terms of this Chapter would result in the buildings being shifted closer to Howard Street, which is out of character with the single-family homes in the neighborhood.

Staff Comments:

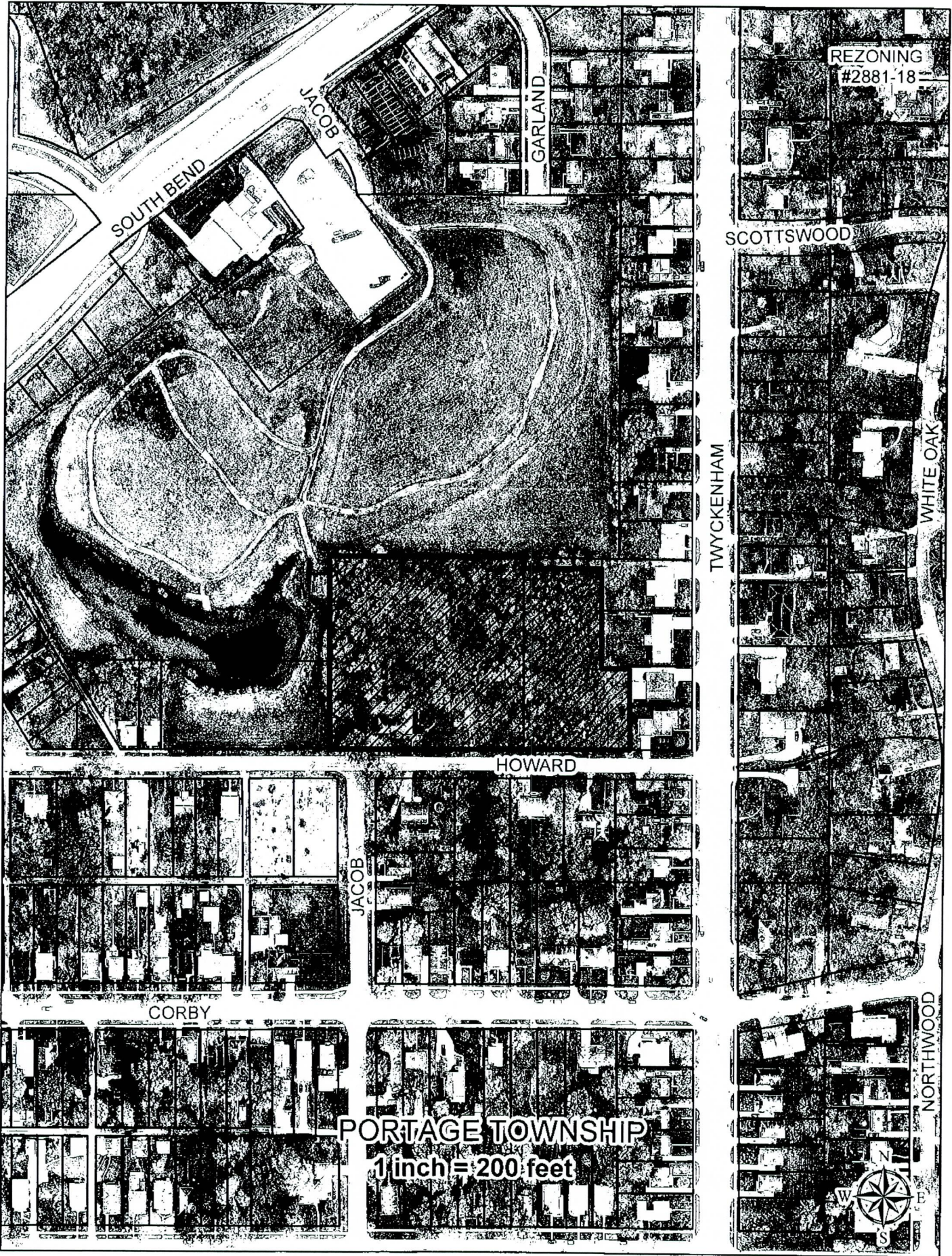
The staff has no additional comments.

Recommendation:

Based on information available prior to the public hearing the staff recommends sending this petition to the Common Council with a favorable recommendation, subject to the written commitments. The staff recommends approval of the variance.

Analysis:

Rezoning the site to MF1 will provide a mix of housing types that is compatible with the character of the surrounding properties and meets the housing needs of the community.



SOUTH BEND

JACOB

GARLAND

REZONING
#2881-18

SCOTTSWOOD

TWICKENHAM

WHITE OAK

HOWARD

JACOB

CORBY

PORTAGE TOWNSHIP
1 inch = 200 feet

NORTHWOOD

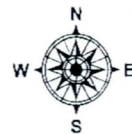




Rezoning from: SOUTH BEND SF2 SINGLE FAMILY AND TWO FAMILY DISTRICT TO MF1 URBAN CORRIDOR MULTIFAMILY DISTRICT

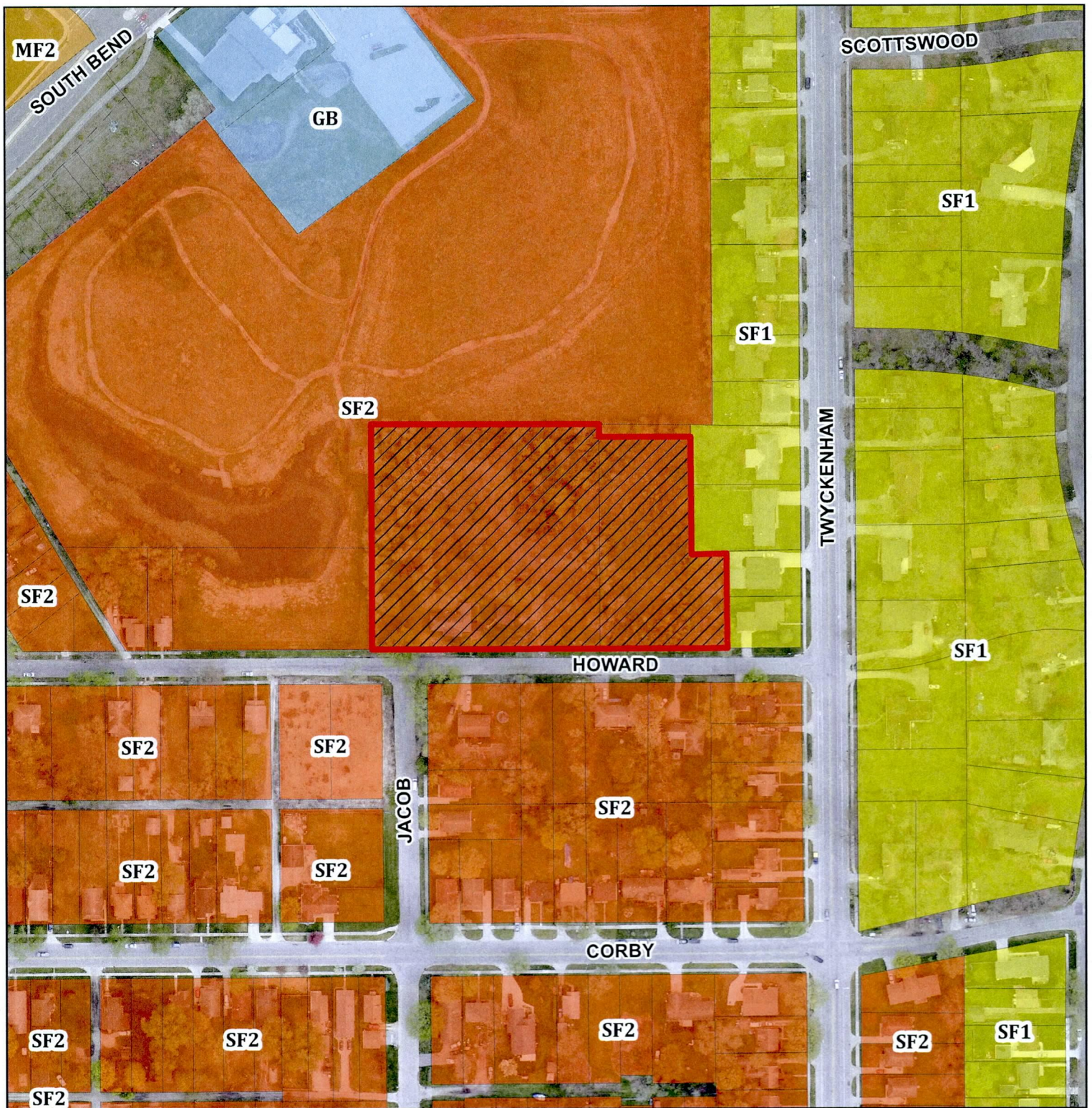
MASTER ZONING KEY

- SOUTH BEND "SF1" SINGLE FAMILY & TWO FAMILY DISTRICT
- SOUTH BEND "SF2" SINGLE FAMILY & TWO FAMILY DISTRICT
- SOUTH BEND "MF2" HIGH-DENSITY MULTIFAMILY DISTRICT
- SOUTH BEND "LB" LOCAL BUSINESS DISTRICT
- SOUTH BEND "GB" GENERAL BUSINESS DISTRICT



1 inch = 200 feet

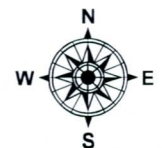
APC # 2881-18



Rezoning from: SOUTH BEND SF2 SINGLE FAMILY AND TWO FAMILY DISTRICT TO MF1 URBAN CORRIDOR MULTIFAMILY DISTRICT

MASTER ZONING KEY

- SOUTH BEND "SF1" SINGLE FAMILY & TWO FAMILY DISTRICT
- SOUTH BEND "SF2" SINGLE FAMILY & TWO FAMILY DISTRICT
- SOUTH BEND "MF2" HIGH-DENSITY MULTIFAMILY DISTRICT
- SOUTH BEND "LB" LOCAL BUSINESS DISTRICT
- SOUTH BEND "GB" GENERAL BUSINESS DISTRICT



1 inch = 200 feet

APC # 2881-18

REZONING
#2881-18

SOUTH BEND

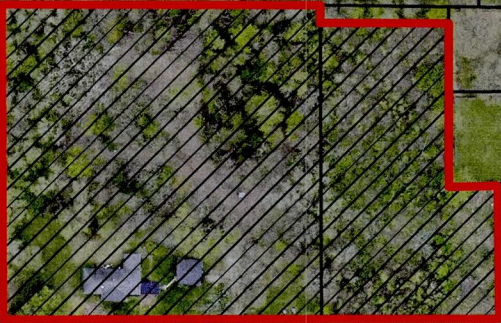
JACOB

GARLAND

SCOTTSWOOD

TWYCKENHAM

WHITE OAK



HOWARD

JACOB

CORBY

PORTAGE TOWNSHIP
1 inch = 200 feet



NORTHWOOD

Jennifer Parcell

From: Karen Jacob <lovekaren55@msn.com>
Sent: Monday, December 17, 2018 6:21 PM
To: Jennifer Parcell
Subject: Comment for December 18, 2018 meeting regarding APC #2881-18, Howard Street Land Trust

Dear Planning Commission Friends:

We live directly across Twyckenham Drive from where the above mentioned development is planned. We have one of the larger homes on that part of Twyckenham with three city lots, and we invest a lot in maintenance of our landscaping and preservation of the century old trees in our yard. We are currently out of town, otherwise we would be attending the Planning Meeting in person.

The proposed development will change our neighborhood dramatically. All the trees and shrubbery now in the proposed development spot will be gone. With 37 units, traffic will increase sharply where Howard opens into Twyckenham.

We can live with the change, but we ask Century Builders to do a proper job of landscaping and planting new trees, and building attractive homes as they usually do. For cutting down so many trees they should make an extra effort to plant more. We appreciate very much that the builders came around the neighborhood to inform us of the development and met with us at the Boy Scouts center.

There is one big problem that the developers and the city need to address, traffic flow. The exit road from the units in the development should intersect Howard where Jacob Street ends, flowing directly down to Corby and providing better options for drivers to reach either side of town and avoid a back-up at Twyckenham. Traffic on Twyckenham is already heavier than before and there have been a number of recent accidents at the intersection with Corby that we've personally witnessed. We've also seen cars speeding down Howard Street which is very narrow. Street parking on both sides of Howard during Notre Dame football games renders it a one lane street.

Before the development is approved, attention needs to be paid to the intersection of Howard and Jacob, and Corby and Twyckenham.

The South Bend City Department of Public Works statement that the development will not require additional public investment is probably incorrect. It is not possible to build a development of this scale in this location without making investments in improved traffic management.

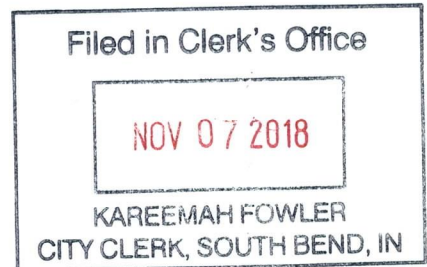
Sincerely,

Karen Jacob and David Cortright

924 N. Twyckenham Drive

South Bend, IN 46617

Cell: 574-206-5753



CITY OF SOUTH BEND PETE BUTTIGIEG, MAYOR
DEPARTMENT OF PUBLIC WORKS

Eric Horvath, Director

November 7, 2018

Mr. Tim Scott
President, South Bend Common Council
4th Floor, County-City Building
South Bend, IN 46601

Re: Ordinance amending the South Bend Municipal Code to add a new Article 14
establishing interim Storm Water Utility Rates

Dear President Scott:

As part of the budget hearings, I had requested that a new fund and fee be established for storm water infrastructure needs. The City does not currently have any dedicated storm water funds, however, we have a tremendous need for improvements to our storm infrastructure. Given the increasing intensity of storm events that we have witnessed lately, this funding source is more important now than ever before.

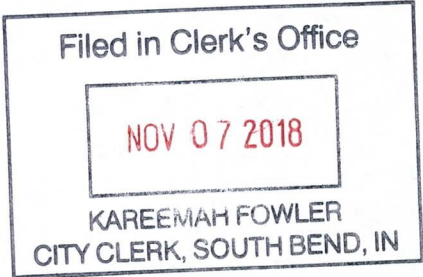
The Common Council passed an expense and revenue budget for Fund 667(Storm Sewer Fund) for 2019. The attached ordinance is the enabling ordinance that will allow us to start billing and collecting the revenues as contemplated in the approved budget. We have included a start date of June 1, 2019 as this will give us time to set up the billing. I will present changes to the ordinance at the committee meeting on 11/12/18. If you have any further questions or need additional information, please let me know.

As always, thank you for your consideration.

Sincerely,


Eric Horvath, P.E., Director of Public Works
City of South Bend





BILL 61-18
ORDINANCE NO. _____

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AMENDING CHAPTER 17 OF THE SOUTH BEND MUNICIPAL CODE TO ADD A NEW ARTICLE 14 ESTABLISHING INTERIM STORM WATER UTILITY RATES AND AMENDING CHAPTER 2, ARTICLE 14 TO CREATE A NEW FUND FOR THESE REVENUES TO BE KNOWN AS THE STORM SEWER FUND (#667)

STATEMENT OF PURPOSE AND INTENT

A storm sewer system consists of sewers, storm inlets, catch basins, manholes, curbs, gutters, ditches, swales, retention and/or detention ponds or basins, dams and flood control for the collection, control, transport or discharge of storm water. The location of the St. Joseph River within the boundaries of the City of South Bend and the greater frequency and intensity of rainstorms within the past several years requires that South Bend take proactive measures to improve drainage, control flooding due to storms and high water table levels, and improve the water quality of the City. Because the City has an aging infrastructure and has experienced unresolved storm water control issues relating to flooding, it is now necessary to establish an equitable funding mechanism to address the challenges and demands of changing weather patterns.

This ordinance establishes a storm water user fee consisting of a flat rate of Two Dollars (\$2.00) per month for residential customers and a flat rate of Five Dollars (\$5.00) per month for non-residential customers.

This storm water user rate shall apply for a period of at least two years with subsequent transition to a rate based upon the quantity of impervious surface area in a parcel of real estate after study and evaluation by the City's Department of Public Works and upon Common Council approval.

In implementing this ordinance, the City of South Bend joins a growing number of cities and towns nationwide that have set storm water rates or fees, and this ordinance is necessary for the effective, efficient operation of the storm water system in the City of South Bend, Indiana.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA as follows:

Section I. Chapter 17 of the South Bend Municipal Code be and hereby is amended to add a new Article 14 to read in its entirety as follows:

Sec. 17-126. Storm water user fees established.

In order to pay for the maintenance, repair, replacement, and improvement of the existing and future storm water system for the City of South Bend at a time of increased flooding and water control issues due, among other things, to changing weather patterns and aging infrastructure, a storm water user fee shall be imposed on each and every tax parcel of real estate within the corporate boundaries of the City of South Bend, Indiana. This charge shall be assessed against the property owner, who shall be considered the user for purposes of this Article. This charge is deemed reasonable and necessary for its intended purpose. The rates established herein are temporary for at least two years from their effective date of June 1, 2019. During this interim the Department of Public Works shall study, evaluate and report to the Common Council the appropriateness of establishing storm water user fees based upon the quantity of impervious surface area in a parcel of real estate. The rates established in this Article shall remain effective until replaced, amended, or repealed by the South Bend Common Council.

Sec. 17-127. Definitions.

Unless otherwise defined in this Ordinance, the terms and phrases shall be defined as follows:

(a) *Impervious surface area* means those areas which prevent or impede the infiltration of storm water into the soil as it enters natural conditions prior to development. Common impervious areas include, but are not limited to, roof tops, sidewalks, walkways, patio areas, driveways, parking lots, storage areas, gravel surfaces, awnings and other fabric or plastic coverings, and other surfaces which prevent or impede the natural infiltration of storm water runoff which existed prior to development.

(b) *Non-Residential real estate* means all real estate tax parcels which are not described by the definition of Residential Real Estate and which shall be defined as Non-Residential. Non Residential Real Estate will include:

- i. Agricultural real estate;
- ii. Commercial real estate;
- iii. Industrial real estate;
- iv. Institutional real estate;
- v. Church real estate;
- vi. School real estate;
- vii. Federal, state, and local government real estate;
- viii. Utility real estate; and

- ix. Any other real estate not included in this list and which is not described by the definition of residential real estate.

(c) *Residential real estate* means a separate tax parcel of real estate which is primarily used for dwelling purposes on which a building is situated which building contains one (1) but no more than two (2) dwelling units which dwelling units are each used or are intended to be used primarily for living, sleeping, cooking, and eating.

Sec. 17-128. Storm water user fees.

The specific storm water fees that follow are set for the purpose of providing repairs, replacements and miscellaneous services related to storm water flows and to provide future improvements and capital needs of the City of South Bend's storm water system:

- (a) The storm water user fee for residential users for each tax parcel of real estate shall be at the rate of Two Dollars per month (\$2.00) per active utility customer account.
- (b) The storm water user fee for non-residential users shall be at the rate of Five Dollars (\$5.00) per month per active utility customer account.
- (c) There shall be no exceptions or exemptions from the assessment of storm water user fees for a particular type or classification of real estate parcels within the corporate boundaries of the City of South Bend, Indiana.

Sec. 17-129. Collection of storm water user fees.

(a) The collection of the storm water user fees authorized by this Article shall be effectuated by a monthly charge on a bill to be sent to the affected property owner. The City may designate any agency within the Department of Public Works to handle billing for the storm water user fees assessed under this Article.

(b) If the Storm water user fee is not paid when due, a late payment penalty shall be charged and assessed by the designated South Bend billing agency consistent with Indiana Law for storm water utilities (Ind. Code 8-1.5-5-29, 8-1.5-5-30) at the rate of 10% of the unpaid bill

(c) If Storm water user fees and penalties are not paid when due, they shall be collected by South Bend in the same manner that other delinquent fees and penalties are charged and assessed consistent with Indiana law.

STE. 1400 S. COUNTY-CITY BUILDING
227 W. JEFFERSON BOULEVARD
SOUTH BEND, INDIANA 46601-1830



PHONE 574.235.5912
FAX 574.235.9021
TDD 574.235.5567

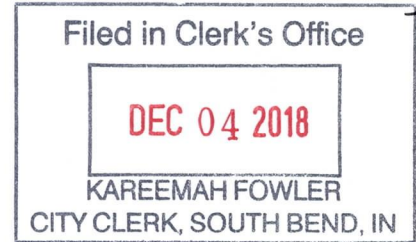
BILL NO. 67-18

CITY OF SOUTH BEND PETE BUTTIGIEG, MAYOR
DEPARTMENT OF COMMUNITY INVESTMENT

MICHELLE ADAMS
BUSINESS LICENSE ADMINISTRATOR
MADAMS@SOUTHBENDIN.GOV

December 4, 2018

Mr. Tim Scott
South Bend Common Council
4th Floor, County City Building
South Bend, IN 46601



Re: Ordinance to Amend the South Bend Municipal Code at Chapter 13, Article 11, Sections 13-126 and 13-127 Addressing Tattoo Practitioner & Premises Licensing

Dear Council President Scott:

Attached for filing with the Common Council is a bill to amend the Tattoo Practitioner and Premises licenses at the above Sections of the South Bend Municipal Code. These requested amendments grew out of the recent, required rejection of an otherwise deserving applicant for such permits due to a criminal matter which had occurred many years before the license application.

The proposed Code changes, which delete conviction of a felony or a drug or alcohol violation as an automatic basis to deny a tattoo practitioner or premises license, are also consistent with the recent trend toward rejecting hard and fast rules that exclude persons from employment due solely to past criminal convictions. Recent data show that this can unfairly deprive persons who may have had criminal convictions followed by many years of law abiding conduct from privileges granted to others, and that it adversely impacts African Americans and Hispanic persons. These restrictions do not appear in any of South Bend's licensing requirements for arborist and tree removal, automotive repair, and peddlers.

I will present this ordinance to the Council at its Committee and regular meetings on January 14, 2019, and I may be accompanied by an attorney in the City's Legal Department. Thank you for consideration of this ordinance.

Sincerely,

Michelle Adams
Business License Administrator

Filed in Clerk's Office

DEC 04 2018

KAREEMAH FOWLER
CITY CLERK, SOUTH BEND, IN

Bill NO. 67-18

ORDINANCE NO. _____

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND,
INDIANA AMENDING ONE SUB-PART EACH OF SECTIONS 13-126 AND 13-127,
CHAPTER 13, ARTICLE 11 OF THE SOUTH BEND MUNICIPAL CODE, BY
REMOVING CERTAIN RESTRICTIONS ON TATTOO PRACTITIONER AND
PREMISES LICENSING**

STATEMENT OF PURPOSE AND INTENT

The current version of the tattoo practitioner and tattoo premises licensing regulations at South Bend Municipal Code Chapter 13, Article 11, Sections 13-126 and 13-127 each contain prohibitions upon issuing permits to persons who have been “convicted of a felony” or who have “been convicted of drug or alcohol violations.” These restrictions have the effect of forever barring certain persons who have led a crime free life for many years from making a gainful living, or whose felony or drug/alcohol related criminal convictions may have little relevance to the specialized practice of tattoo making. These types of outright restrictions do not apply to City licenses issued to restaurants, arborist and tree removal, automotive repair, and peddlers. The City of Mishawaka, Indiana, removed these criminal conviction restrictions from their tattoo practice license on April 3, 2017.

Moreover, the Equal Employment Opportunities Commission (EEOC) in 2012 issued a Guidance for *Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964*, No. 915.002 4/25/2012. That Guidance states that outright bans for all felony convictions may be discriminatory because they have an adverse impact upon African Americans and Hispanic persons whose rate of incarceration, particularly for drug related offenses, is much higher than for the general population and may reflect institutional factors of discrimination.

It is in the best interest of the City of South Bend to amend the South Bend Municipal Code for the above stated reasons.

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of South Bend, Indiana as follows:

SECTION I. Chapter 13, Article 11, Section 13-126 shall be amended at sub-part (c) to read as follows:

(c) No applicant for a practitioner's license shall be issued such license if he or she:

- (1) Has not met the minimal training and education requirements in order to be considered for a practitioner's license with the lack thereof being considered an inability.
- ~~(2) Has been convicted of a felony.~~
- ~~(3) Has been convicted of drug or alcohol violations.~~
- (4) ~~(2)~~ Has been determined by a licensed medical physician to be mentally incompetent.
- ~~(5)~~ ~~(3)~~ Has failed to meet the applicable regulations of this Article.

SECTION II. Chapter 13, Article 11, Section 13-127 shall be amended at sub-part (a) (11) to read as follows:

(a) A person or entity who desires to have a place of business which will provide any services regulated by this Article shall apply for a license from the Office of the City Controller on forms provided from said office. Said application shall contain the following:

....

(11) Listing of all persons who will provide services at the place of business, including the name, address, telephone number, Practitioner's License Number, and verifying that each person:

- (i) Has met the minimal training and education requirements in order to be considered for a ~~premise's~~ premises license with the lack thereof being considered an inability.
- ~~(ii) Has not been convicted of a felony.~~
- ~~(iii) Has not been convicted of drug or alcohol violations.~~
- (iv) ~~(ii)~~ Has not been determined by a licensed medical physician to be mentally incompetent.

SECTION III. This ordinance shall be in full force and effect from and after its passage by the Common Council and approval by the Mayor, retroactive to January 1, 2018.

Tim Scott, Council President
South Bend Common Council

Attest:

Kareemah N. Fowler, City Clerk
Office of the City Clerk

Presented by me, the undersigned Clerk of the City of South Bend, to the Mayor of the City of South Bend, Indiana on the _____ day of _____, 2018, at _____ o'clock ____ . m.

Kareemah N. Fowler, City Clerk
Office of the City Clerk

Approved and signed by me on the _____ day of _____, 2018, at ____ o'clock ____ .m.

Pete Buttigieg, Mayor
City of South Bend, Indiana

1200 COUNTY-CITY BUILDING
227 W. JEFFERSON BOULEVARD
SOUTH BEND, INDIANA 46601-1830



BILL NO. 68-18

PHONE 574/235-9241
FAX 574/235-7670
TTY 574/235-5567

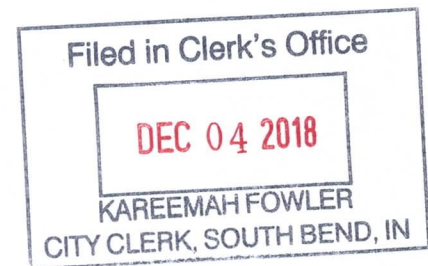
CITY OF SOUTH BEND PETE BUTTIGIEG, MAYOR

DEPARTMENT OF LAW

STEPHANIE STEELE
CORPORATION COUNSEL

ALADEAN M. DE ROSE
CITY ATTORNEY

December 4, 2018



Mr. Tim Scott
President
South Bend Common Council
Fourth Floor, County City Building
South Bend, IN 46601

Re: An Ordinance Approving Update to ADA Transition Plan of 2013 and Title VI Plan: Non-discrimination in City Services, Programs & Activities under the Civil Rights Act of 1964

Dear Council President Scott:

The attached bill for filing with the Common Council concerns the City's duties under federal law, i.e., the federal Americans with Disabilities Act (ADA) which assures accessibility to disabled persons in City buildings and pedestrian facilities, and Title VI of the Civil Rights Act of 1964 prohibiting discrimination in city services programs and activities against certain persons based on types of status.

In 2013 this Council passed the City's ADA Transition Plan to remove pedestrian barriers in the City's right of way (Ord. No. 10219-13), and the attached ordinance contains an update to that Transition Plan. It also includes the City's Plan for non-discrimination in City services, programs and activities under the Civil Rights Act of 1964.

The Plan which is the subject of this ordinance (Exhibit A) is the result of many programs and initiatives already commenced by the City such as the City's Human Rights Ordinance, amended in 2012 to include sexual orientation and gender identification (Ord. No. 10154-12); the Minority and Women Business Enterprise Diversity Development Program legislation of 2011 (Chapter 14.5, South Bend Municipal Code Ord. No. 10081-11) followed by the Mayor's appointment of a City Diversity and Inclusion Officer and enactment of the City's Diversity & Inclusion Plan of 2016. It is also a product of certain federal requirements imposed on American cities receiving Federal highway and other program dollars.

I will present this ordinance to the Common Council at the appropriate Committee and public meeting in January 2019.

Thank you for your assistance. We look forward to working with the Council in the adoption of this ordinance.

Sincerely,

Aladean DeRose, City Attorney

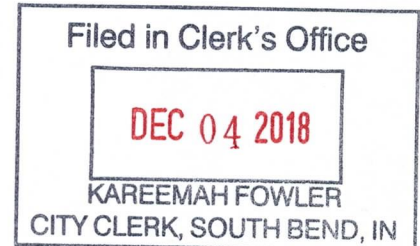
ELLIOT A. ANDERSON
ASHLEY MILLS COLBORN

SANDRA KENNEDY
CLARA MC DANIELS

THOMAS PANOWICZ
DANIELLE WEISS

Bill NO. 68-18

ORDINANCE NO. _____



AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, APPROVING THE CITY OF SOUTH BEND'S UPTDATES TO THE CITY'S 2013 ADA PLAN FOR PEDESTRIAN FACILITIES IN THE PUBLIC RIGHT OF WAY AND ITS TITLE VI PLAN FOR NON-DISCRIMINATION IN CITY SERVICES, PROGRAMS AND ACTIVITIES UNDER THE CIVIL RIGHTS ACT OF 1964

STATEMENT OF PURPOSE AND INTENT

In 1990 Congress enacted the Americans with Disabilities Act (ADA) which, among other things, requires that municipalities throughout the United States adopt standards to improve access and remove barriers for disabled persons in their use of public facilities and governmental services. In addition to the ADA, local government is subject to the requirements of Title VI of the Civil Rights Act of 1964 that "no person in the United States shall, on the grounds of race, color, or national origin be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance." The protection under Title VI has been expanded by South Bend policy and law, and by State and federal laws to include age, gender, sexual orientation, gender identification, military status, national origin, English proficiency, and income status.

On January 28, 2013 this Council approved the City's ADA Transition Plan which identified those sidewalks and curb cuts having priority for ADA upgrade (Ordinance No. 10219-13). The City of South Bend, Indiana, has advanced these objectives through an aggressive sidewalk and curb cut replacement program. These included sidewalks and curb cuts in downtown South Bend serving public service and commercial buildings which were upgraded as part of the Smart Streets Program. It has replaced sidewalks in neighborhoods through a public/private improvement plan over the past several years and intends to continue doing so under the terms of the ADA Transition Plan.

The combined update to the City's Transition Plan approved January 28, 2013 and the City's Title VI Plan: Non-Discrimination in City Services, Programs & Activities Under the Civil Rights Act of 1964 is attached hereto and incorporated herein as Exhibit A for approval by this Council.

The City's updates to and report of ADA accessibility improvements made since the original Transition Plan was approved is contained in Exhibit A at pages 3 through 10.

The City's Title VI Plan for non-discrimination in City services, programs and activities reflects the diversity of the City's population and the vision of the Common Council and City administration for a truly diverse and inclusive city as exemplified by the City's Human Rights

Ordinance, amended in 2012 to include sexual orientation and gender identification (Ord. No. 10154-12); the Minority and Women Business Enterprise Diversity Development Program legislation of 2011 (Chapter 14.5, South Bend Municipal Code Ord. No. 10081-11) followed by the Mayor's appointment of a City Diversity and Inclusion Officer and enactment of the City's Diversity & Inclusion Plan of 2016.

The City's Title VI Plan was reviewed by the State Department of Transportation compliance officer earlier this year and found to meet federal requirements. .

This Update to the City's ADA Transition Plan of 2013 and Title VI Plan for Non-Discrimination in City Services, Programs & Activities has been the subject of public hearing by the Board of Public Works at a meeting held January 10, 2019 as to which notice was properly published in the South Bend Tribune. The Transition Plan has also been posted on the City of South Bend's website for the past 30 days prior to this date along with the form for public comment, and a copy has been made available at the downtown branch of the St. Joseph County Library and at the office of the South Bend City Clerk.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA as follows:

Section I. The Updates to South Bend's 2013 Americans with Disabilities Act (ADA) Transition Plan for the City of South Bend, Indiana, which is the first section of Exhibit "A" attached hereto and incorporated herein is hereby adopted and approved.

Section II. The City of South Bend's Title VI Plan under the Civil Rights Act of 1964, which is the final section of Exhibit "A," beginning at page 11, attached hereto and incorporated herein is hereby adopted and approved.

Section III. This Ordinance shall be in full force and effect from and after its passage by the Common Council and approval by the Mayor.

Tim Scott, Council President
South Bend Common Council

Attest:

Kareemah N. Fowler, City Clerk
Office of the City Clerk

Presented by me, the undersigned Clerk of the City of South Bend, to the Mayor of the City of South Bend, Indiana on the _____ day of _____, 2018, at _____ o'clock ____ . m.

Kareemah N. Fowler, City Clerk
Office of the City Clerk

Approved and signed by me on the _____ day of _____, 2018, at ____ o'clock
____.m.

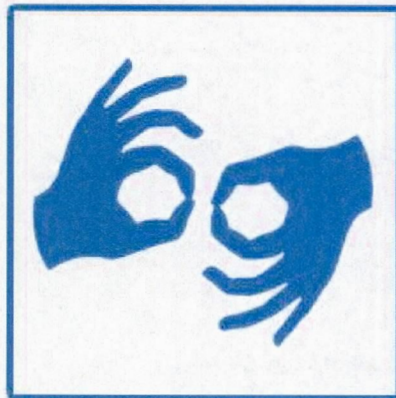
Pete Buttigieg, Mayor
City of South Bend, Indiana

City of South Bend

Update to ADA
Transition Plan of
2013

and

Title VI Plan: Non-
Discrimination in
City Services,
Programs &
Activities under
the Civil Rights
Act of 1964



2018

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CITY OF SOUTH BEND

UPDATE TO AMERICANS WITH DISABILITIES ACT (ADA) TRANSITION PLAN OF 2013

AND

PLAN FOR NON-DISCRIMINATION UNDER TITLE VI OF THE CIVIL RIGHTS ACT OF 1964, INCLUDING A LIMITED ENGLISH PROFICIENCY PLAN AND ENVIRONMENTAL JUSTICE PLAN

INTRODUCTION AND OVERVIEW

The Original ADA Transition Plan

On January 28, 2013, the South Bend Common Council approved South Bend's "Transition Plan: Pedestrian Facilities in the Public Right of Way." This Transition Plan was preceded by an inventory and self-evaluation of all City street intersections to learn if pedestrian sidewalks, curbs, and curb ramps within the City are accessible to persons with disabilities as prescribed by Title II of the Americans with Disabilities Act (ADA), Section 504 of the Rehabilitation Act of 1963, and other laws. That preliminary inventory and self-evaluation was updated in 2015 by a more comprehensive inspection of City sidewalks, curbs, and curb ramps.

Barriers to accessibility were identified and the City's intersections were categorized by points and by letter grade of A through E, with A being the most accessible and E being the least accessible. Each intersection was also identified by numbers 1, 2 or 3 signifying location priority as follows:

1. Intersections serving government facilities,
2. Intersections serving commercial and employment centers; and
3. Intersections serving other areas.

Using the above priority indicators, the Transition Plan of 2013, included a Schedule for improvements to South Bend intersections and a pledge that for any intersection improvement project or new construction project the City will rebuild all affected curb ramps, sidewalks, and crosswalks to ADA design guidelines, wherever feasible and reasonable. (Transition Plan 2013, page 5).

Since 2013, substantial improvement to the City's main arteries has occurred. Western Avenue and Lincolnway West, two major western corridors through South Bend, the downtown South Bend area, and the East Bank area of South Bend have all enjoyed major streetscape

renewal, including substantial areas of new sidewalk, curb ramps and crosswalks constructed to ADA standard. The Smarts Streets Project affecting the north south main arteries of South Bend was also completed, resulting in miles of pedestrian accessibility through areas of commercial sites and government facilities. Two Safe Routes to Schools projects replaced curb ramps and sidewalks in the vicinity of Harrison and Coquillard Schools. These are primary schools located on the west side of the City, which is the residential area having the highest minority population (African American and Latino) within the City. The City's further progress to date in improving City intersections under the City's 2013 Transition Plan priority system is set out more fully in **Attachment 1**.

At the time the Transition Plan of 2013 was adopted, the City Administration affirmed that a similar plan (under Title VI of the Civil Rights Act of 1964) would be prepared for City buildings and facilities in which City services, programs and activities for South Bend's citizens take place. This document constitutes the Supplement to the City's 2013 Transition Plan for City buildings and facilities as well as the Title VI Plan for accessibility of South Bend services, programs and activities distinct from the building or facility in which the program or activity occurs. Also included in this document are South Bend's Limited English Proficiency Plan and its Environmental Justice Plan.

PUBLIC BUILDINGS AND FACILITIES IN WHICH CITY SERVICES, PROGRAMS, AND ACTIVITIES OCCUR

The Self Evaluation Process for Buildings, Services, Programs, and Activities

When the Transition Plan for pedestrian right-of-way was adopted in 2013, the City also had been working on a self-evaluation of existing City buildings and facilities in which City services, programs, and activities take place. This self-evaluation was done to review accessibility both under Title II of the ADA and Title VI of the Civil Rights Act of 1964.

Each City building or facility manager was sent a detailed, **fifteen (15) page checklist**, developed and recommended by the Adaptive Environments Center, Inc. for the National Institute on Disability and Rehabilitation Research (Form included as **Attachment 2**). Every building or facility where a City service, program or activity is conducted was personally inspected, measured where appropriate, and evaluated according to checklist criteria. The specific design and function elements inspected for ADA accessibility and usability purposes included but were not limited to:

- **Entrance doorways, walkways, interior doors**—handles (5 lb. maximum force to open--one hand test), rails, dimensions for wheel chair access, clearance, distance from parking, ramps (1:12 slope ratio); proximity to site arrival point and to exterior
- **Parking lots**—number of spaces for handicapped persons and distance from building or facility (at least one accessible space per 25 total spaces); width, slope, and signage
- **Floors**—materials, slope, and dimensions for ease of passage
- **Service Desks**—height, usability
- **Elevators**—button placement, dimensions
- **Signage** —height (60 inches from floor), readability, print dimensions, clarity of information
- **Controls**—height, ease of use
- **Restrooms**—stalls, lavatories, height and distance from door swing, sinks—height, depth, apron height, knee clearance; grab bars; dispenser placement; ease of use
- **Drinking Fountains**—Height, depth, apron height, knee clearance
- **Seats, Tables & Counters**—movement between aisles, equal accessibility during public meetings, wheelchair space distribution throughout, table dimensions (between 26-34” high)
- **Stairs**—non-slip surface and continuous side rail
- **Emergency Signs**—Sight and sound alert

For purposes of this self-evaluation process, the term **public facility** may refer to either a public building, public park, parking area, or any other place where a City service, program, or activity takes place regularly or occasionally.

The building and facility evaluation process was completed in 2015, and South Bend will continue to monitor and evaluate its buildings and facilities as part of its commitment to full accessibility. The City’s evaluation of its buildings and facilities was done using the following general categories, each of which category included a number of specific buildings and facilities:

- **PUBLIC WORKS AND RELATED FACILITIES** (Includes all public utility offices and facilities, Central Services Building, Human Rights Commission office, County-City Building, Animal Control Facility, City-owned Parking garages).
- **PUBLIC ARTS & ENTERTAINMENT FACILITIES** (Includes Century Center, Morris Performing Arts Center, Palais Royale).
- **PUBLIC PARKS** (Includes City golf courses Elbel, Erskine, Studebaker, and accessory buildings, Four Winds Baseball facility, Leeper Park Tennis Courts, Howard Park (currently under construction), Kennedy Park Baseball Diamond and Pool, Charles Black Recreation Center, Potawatomi Conservatory, Pool, Zoo, Martin Luther King Center, Newman Center,

O'Brien Fitness Center, Pinhook Pavilion, Rum Village Nature Center, and numerous parkland areas).

- **PUBLIC SAFETY FACILITIES** (Central Fire Station and Stations 1 through 11, Fire Training Center, Police Department building).

A summary of those findings from 2015 indicating ADA barriers within existing City buildings and facilities is attached as Attachment #3, and the completed self-evaluation form for each building or facility can be inspected in the City's Department of Public Works, 13th Floor, County-City Building, 227 West Jefferson Boulevard, South Bend, Indiana.

The **ADA Barriers** identified in **Attachment 3** are based upon four priorities for accessible buildings, facilities, services and programs, under the relevant sections of the ADA, as follows:

Priority 1: Accessible approach and entrance

Priority 2: Access to goods and services

Priority 3: Access to rest rooms

Priority 4: Any other measures necessary

CAVEAT: The Findings in Attachment 3 may have been accurate at the time the individual assessments were performed at various dates in 2015. Remediation and changes have occurred since then. Therefore, no specific finding in Attachment 3 can be deemed an accurate description of conditions existing at a specific site at the time of this report in 2018.

PRIORITIZATION IN REMOVING BARRIERS TO ACCESSIBILITY IN EXISTING BUILDINGS AND FACILITIES

Removal of barriers to accessibility in City buildings and service/program/activities facilities will be prioritized on the basis of specific criteria listed below. Each listed factor is of equal importance with no single factor having more importance than another. In determining the order for removing accessibility barriers among City buildings or facilities, a building or facility having a higher number of applicable criteria will take priority over another building or facility with fewer applicable criteria. The criteria are as follows:

- **Level of use**—the extent or frequency of public use of the building or facility
- **Social need**—use of buildings or facilities for important social or emergency needs, such as senior centers, cooling centers, storm shelters, education program centers, etc.
- **Public Rights**—buildings or facilities where citizens exercise their rights such as voting centers, courthouses, public meeting centers

- **Public Responsibilities** —buildings or facilities where the public pays fees or municipal services, obtains permits and licenses, obtains information about public matters, obtains public services
- **Special Programs**—buildings or facilities where special programs for the public take place and cannot be duplicated elsewhere. These include park facilities such as the zoo, golf courses, swimming pools, splash pads, museums, entertainment facilities
- **Geographic Need**—buildings or facilities located within neighborhoods or away from City center which serve the local citizens in some manner
- **Sites of Complaint**—buildings or facilities where disabled persons have made specific complaints about inaccessibility

IMPLEMENTATION SCHEDULE

Consistent with the City’s 2013 Transition Plan for pedestrian facilities in the public right of way, the Schedule for ADA accessibility improvement of existing public buildings and facilities for services, programs, and activities will take place as opportunity and funding allow, with every effort being made to do so as promptly and expeditiously as is reasonable, taking into account prioritization described in the previous Section. The City’s Public Works Director or City Engineer will review the ADA accessibility priorities annually; will give high weight to reasonable suggestions and needs expressed by disabled persons or representatives of disabled persons, and by the City’s ADA/Title VI Coordinator; will consider information received through ADA grievances; and will make recommendations to the Common Council for funding of these ADA accessibility priorities.

A design plan calls for upgrading public park restroom facilities so that all will be fully ADA complaint by December 2019. The playground equipment in Keller Park is all new and ADA compliant. Similar upgrades are planned in all other City public parks having playground equipment. The Charles Martin Center has been fully upgraded and all its facilities are ADA compliant.

NEW CONSTRUCTION AND ALTERATION

For any new construction project or alteration of an existing public building or facility as the term “alteration” is defined by law, the City will build or rebuild to prevailing ADA design guidelines. However, the ADA does not require the City of South Bend to take any action that would cause a fundamental alteration in the intent of its program or activity; that would create

a hazardous condition; or that would impose an undue financial or administrative burden. The determination of undue burden must be based on an evaluation of all resources available for use in the programs and with review and written opinion of the City's ADA Coordinator.

CITY-OWNED PARKING FACILITIES

The availability and accessibility of parking is a key component to making government services, programs and activities easier to use for persons with disabilities. Parking is equally important for easy access to restaurants, stores, professional offices and the full range of commercial and professional services within a city. South Bend is committed to providing parking for disabled persons which meets or exceeds ADA standards.

City Parking Facilities: Assessment & ADA Compliance.

City-Owned Garages. All three City-owned or operated parking garages were assessed in 2016 and all meet or exceed ADA standards. Two garages (Wayne Street, and the Leighton Garage on Jefferson Boulevard) exceed the number of ADA-required parking spaces reserved for persons with disabilities. The City will adhere to PROWAG (Public Right-of-Way Accessibility Guidelines) for existing or for any future city-owned or operated parking garages.

Note: The City has not adopted PROWAG because they have not yet been approved by the Department of Justice, but has agreed to refer to them for best practices, and to use them where the City determines it to be in the best interest of traffic, road conditions, safety, and actual needs of disabled persons.

City-Owned Parking Lots. The City owns surface parking lots in the downtown South Bend area, but most are for exclusive use by city employees, agents, officials and others affiliated with City or County government. All City personnel or qualified individuals will be accommodated in these lots on a case by case basis under the ADA. Presently, there is no need to create permanent ADA reserved spaces within these non-public lots because of the high number of City personnel and due to the City's ability to accommodate its disabled personnel by other, equal means.

The City owns one downtown surface paid parking lot open to the public. This lot (corner of Main Street & Jefferson Boulevard) fully meets ADA standards.

Numerous surface parking lots exist adjacent to City-owned buildings and facilities throughout the entire city, and most, but not all were assessed for ADA compliance in 2016. Those assessed lots adjacent to city service, program and activity buildings or other facilities used or visited most frequently by the public are generally fully compliant with the ADA. These include parking for the Police Department, Environmental Services Dept., General Services Dept., and

numerous public parks. However, a few lots are not in compliance, and the City intends, where easily achievable, to make all its parking lots ADA compliant by November 1, 2019.

The City will adhere to PROWAG (Public Right-of-Way Accessibility Guidelines) for existing or for any future city-owned or operated surface parking lots.

On Street Parking. The City estimates that there are a total of 897 on-street parking spaces in the downtown central business area.¹ South Bend's Central Business District is an area comprised of about 25 blocks from Marion Street on the north down to Western Avenue on the east and from Lafayette to the River (the Central Business District Zone).

On-street parking in downtown South Bend consists of angled two hour free parking the width of Michigan Street, with parallel spaces serving the remainder of downtown street parking. Even with parking garages, the total available downtown street parking is barely adequate during peak business hours for the needs of restaurants, professional businesses and offices, retail stores, and other places of public accommodation concentrated in the downtown area.

PROWAG requires that there be 18 ADA reserved on-street spaces in the Central Business District ("CBD") Zone (2% of 897 total), of which three (3) must be van accessible. Prior to the City's 2016 Smart Street Project affecting the CBD Zone, converting Main Street and St. Joseph Streets from one-way to two-way, the City had reserved well more than the ADA number of required parking spaces on the downtown streets for disabled persons, but these spaces did not meet the 2011 draft PROWAG standards for on-street parking in terms of space width for areas where the sidewalks were 14 feet wide or more.

For angled parking, creation of one PROWAG parking space requires the loss of two regular spaces. For parallel parking, creation of one PROWAG space requires extensive sidewalk loss, which affects pedestrian sidewalk traffic, including persons in wheelchairs, and outdoor business usage of sidewalks. Nonetheless, the City will use PROWAG in the Central Business District although it will result in fewer spaces overall reserved for disabled persons.

Most of the PROWAG compliant ADA parking is in the angled parking of Michigan Street. Three van accessible spaces are located on Main Street (an addition of two van accessible spaces); one van accessible space is on Jefferson Boulevard close to the disability entry to the St. Joseph County Courthouse and the County City Building and seven more standard size disabled spaces are on Michigan Street. Eight standard size PROWAG disabled spaces have been constructed as follows: two (2) spaces on Jefferson Boulevard—serving the County-City Building and the federal and county courthouses; two (2) spaces on Washington Street (also serving the

¹ Source is *Downtown Parking Study*, Rich & Associates, Inc. (February 2016).

same public buildings), and one additional space on every nearby block (total of an additional four (4)).

The total number of reserved ADA spaces in the South Bend Central Business District is 56 as of 2018, but most of these spaces above the 16 spaces required by the ADA do not meet PROWAG standards. They exist to provide more parking opportunities for persons with disabilities. This benefits persons with milder mobility impairments so they can park closer to buildings which contain government services, programs and activities such as the County-City Building. Some of these spaces reserved for persons with mobility disability are in areas where the sidewalk may or may not be 14 feet wide. Proximity of the parking place to the building containing priority public services, programs or activities will be determinative.

Neighborhood Parking for Disabled Persons. Outside the downtown area of South Bend individuals may request reserved on-street disability parking spaces through an application process. By the end of 2018 approximately 304 such spaces were reserved throughout the City.

Snow and Ice Conditions. For accessibility to places of public accommodation during periods of snow and ice accumulation, South Bend will make it a priority to assure that curb ramps adjacent to accessible parking spaces in the downtown area be kept as clear as possible, without snow and ice build-up to the extent reasonably achievable. In commercial, school zones, and similar areas outside of South Bend's Central Business District where the City owns no buildings that provide public services, programs or activities, including areas of schools, street front commercial and retail businesses, the City will enforce the duty of owners to maintain as clear as reasonably possible the proximately located disability reserved parking spaces and curb ramps. In the event of extreme snow, blizzard, emergency weather, or similar conditions, the City must direct its resources in a manner that serves the greatest good and effectuates the greatest level of public safety, and it preserves that prerogative.

TITLE VI OF THE CIVIL RIGHTS ACT OF 1964: PLAN FOR NON-DISCRIMINATION AND ACCESSIBILITY OF SOUTH BEND SERVICES, PROGRAMS, AND ACTIVITIES INDEPENDENT OF BUILDINGS AND FACILITIES

No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

--Title VI of the Civil Rights Act of 1964

South Bend offers its citizens a wide variety of services, programs, and activities. These include informational, educational, recreational, and civic engagement opportunities, including public meetings, public hearings, informational presentations and open houses. It is the policy of the City of South Bend that its services, programs and activities be readily accessible and usable by persons with disabilities. It is further South Bend's policy to not discriminate against any person on the basis of race, color, age, gender, disability, military status, national origin, English proficiency, income status, sexual orientation or gender identification in any of these City services, programs and activities. The City is committed to full and complete compliance with Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d referred to as "the Act") and its regulations. A non-exhaustive list of City services, programs and activities is available upon request to the City's ADA/Title VI Coordinator.

South Bend seeks the active and increased participation of minority members of the community in matters of public policy and decision making, and further seeks participation of minority persons in all other city services, programs and activities, to be held in places which are fully accessible. City outreach efforts will continue to be made through social agencies, community leaders, and through organizations with substantial minority participation or which protect and promote minority rights.

Auxiliary aids will continue to be available to provide effective communication for persons with disabilities in City services, programs and activities, and the City will engage qualified public meeting interpreter services if needed and available. The City's website materials will be created and updated and expanded to ensure accessibility to persons with disabilities.

All City meeting notices and informational literature about City services, programs and activities will continue to include notice of the availability of auxiliary aids upon request, and all efforts will be made to accommodate the needs of persons with disabilities when providing customer service at City counters and service centers and in other City services, programs and activities.

The City assists disabled home residents in trash pickup by allowing such persons to have pick-up next to their homes rather than at the curb. The City's 311 Call Center, a chief mode of communication between the City and its citizens, assists in identifying these persons. A citizen's duty to remove snow and ice may be waived upon notice to the City of such person's disability status.

The 311 Call Center is a mobile and online service which gives citizens a means to identify concerns and report them to City personnel for prompt response and correction, or simply to obtain information about the City. Calls regarding accessibility received on the 311 Call Center are referred to the ADA/Title VI Coordinator if they involve a City building, facility or City service, program or activity. Accessibility issues not involving a City-owned or sponsored matter are referred to the South Bend Human Rights Commission.

Other specific accommodation in City services, programs, and activities may include any or all of the following list which is not exhaustive:

- Microphone available at public meetings upon request with cable long enough to serve accessible seating areas or availability of wireless unit
- American Sign Language interpreter available at meetings for 500 persons or more
- Audio description of visual materials
- Speakerphone or similar means of program accessibility
- Presentation materials in both audio and visual form
- Printed materials available in alternate format
- Note-taker availability
- Materials in electronic format

To better assist and increase minority business participation in City contracts and purchasing, the South Bend Common Council enacted a Minority and Women Business Enterprise Diversity Development Program to advance equal opportunity of minority and women owned businesses to participate in public bidding and contracts with the City. A Diversity Utilization Board was created in 2011 to oversee the goals of the program. Since then the Diversity Utilization Board has sponsored training programs and other activities to identify and encourage minority businesses in the City bidding process, and in procurement of other City contractual work. This Board and its interaction with City agents in contracting and purchasing, has furthered the number of minority businesses participating in City projects and programs, and will continue to do so.

South Bend's Diversity and Inclusion Plan

In spring 2016, the City hired a Diversity Compliance/Inclusion Officer who helps assure that the City's workforce truly reflects the racial, ethnic, disabled and all other human diversity within the South Bend community. That Officer further acts as a resource for expanding the list of bidders for City contracts to include eligible minority and women owned businesses. Additionally, the Officer works with the City's Department of Community Investment (DCI) and the Mayor's office in developing small, local minority and women business enterprises (MWBE's) that can do business with the City.

The Diversity Compliance/Inclusion Officer submitted in July 2016 the City's Diversity and Inclusion Plan (the Plan) having an overall purpose **"to remove, reduce, and or address physical, systemic, communication and attitudinal barriers to a more diverse and inclusive City... where ALL can thrive."** Within the Plan, diversity and inclusion is defined as "policies and practices of inclusion that promote understanding of cultural differences and that encourage cooperation across the boundaries of diverse coworkers and the public."

Among some of the initiatives of the Diversity Compliance/Inclusion Officer have been intense staff and management training to better understand diversity and inclusion, to recognize micro-aggression, and reduce unconscious bias in hiring and on-the-job treatment of workers by coworkers and supervisors. Longer term, ongoing initiatives, among many, are to infuse diversity and inclusion language throughout all city strategic plans, policies, procedures and programs; to conduct training about reasonable accommodations for disabled employees; and to develop website training materials in English and Spanish for existing staff, new employees, and for contract opportunities with the City. These web-based materials will be available in other format for hearing and sight impaired persons. The South Bend Common Council passed an ordinance in 2018 requiring regular sexual harassment awareness and prevention training for all City personnel, including elected or appointed officials.

The City's Innovation Department has made efforts to incorporate recent features offered by manufacturers that enable disabled persons to interact with digital content. This includes changing contrast profiles, magnification, and text-to-speech capacity. As changes and upgrades to the City's website are implemented, the City will incorporate the latest, cost-effective technology to provide website accommodation to persons with disabilities.

South Bend Human Rights Commission

The South Bend Human Rights Commission continues to provide public and civic education about rights of the disabled and other minorities in matters of employment and housing. Such training is done upon request or through outreach to employers, landlords, and others. The Commission has conducted several minority and diversity training programs within

the City, most notably within the City Police Department in the wake of recent publicized incidents of conflict between law enforcement and African American male youth. The Human Rights Commission staff will continue to expand its educational outreach.

Limited English Proficiency (LEP)

LEP Policy and the LEP Population of South Bend

Similarly, and as part of its overall Title VI mission of inclusivity and non-discrimination, the City is committed to make sure that meaningful access to its services, programs, and activities are available to persons with limited English language proficiency. One of the specific goals of South Bend's Diversity and Inclusion Plan is to ensure that language is no barrier to city services and events.

The Latino population of the City of South Bend is roughly 13.0% as shown on the federal 2010 census. Of this Latino population segment, it is uncertain what percentage or number of persons are actually of limited English proficiency, that is, those whose proficiency in speaking, reading, writing or understanding English, as a result of national origin, is such that that it would deny or limit meaningful access to South Bend's programs and services if language assistance were not provided. The City will seek to identify the approximate number or percentage of actual Spanish language speakers with limited English proficiency.

Other national origin populations with limited English language proficiency within the City are not significant according to current census and other data ("Asian" is the highest at 1.3%), but the City will take reasonable steps to identify any other population which due to national origin has limited English language proficiency, and will accommodate such persons to the extent reasonably possible.

Language Assistance Measures and Continued Plan for LEP Access

Translations of documents required to obtain essential City, or to otherwise to assist persons with difficulty communicating in English due to Latino national origin, are currently in progress. Persons with fluent Spanish language ability are employed in several City Departments and in the City Clerk's office, and they translate orally when necessary. These include several supervisory persons in the Departments of Public Works, one assistant in the Mayor's office, and one investigator in the office of the South Bend Human Rights Commission, among others. Written translations of documents necessary to meaningfully access City programs are being done through bi-lingual City personnel and with assistance from Latino non-profits within the City. The South Bend Common Council agenda for each of its two monthly meetings is translated into Spanish and is available in the City Clerk's office.

Full Spanish language service is available on the City's 311 Call line, which operates from 7:30 a.m. to 5:30 p.m., Monday through Friday, and any complaints from Spanish speaking persons are promptly referred to the responsible City Department when appropriate.

The 311 Call Center is also a source for identification of the approximate number of persons with limited English language proficiency by those whose primary language of communication is Spanish and by those with other primary languages of communication. To date the Call Center has had no language translation requests other than Spanish, and as of Autumn 2018, the 311 Call Center has responded to 760,000 calls. Of these, 2,300 were from Spanish speakers; and none were from speakers of another language requiring translation. The total number of impaired contacts through Autumn 2018 is 150 and all were translated through outside services.

The 311 Call Center is also a useful source of knowledge as to the specific City services frequently used, needed, and accessed by persons with limited English proficiency as well as other persons protected by Title VI and the City's policy.

The City has a Voluntary **Title VI Public Involvement Survey form** in both English and Spanish that it provides at public meetings and at the counters in City service offices (**Attachment 4-A & 4-B**) to identify LEP persons as well as others protected by Title VI and supplemental City policy. Additionally, City Departments, offices, recreational and service facilities, will use **I-Speak Cards (Attachment 5)** to assist in identifying languages spoken by users of City programs, services and activities where interpretation services may be needed.

CITY PROGRAMS USING FEDERAL FINANCIAL ASSISTANCE

The City of South Bend receives grants and funds from the Federal Department of Transportation and the Federal Highway Commission for roads, rights-of-way, and other improvements. It also receives funds for distressed property revitalization and redevelopment from the Federal Department of Urban Development (HUD). Its Human Rights Commission receives Federal grant monies from HUD and the Federal Equal Employment Opportunities Commission. The City receives other Federal program assistance.

The City itself as well as all contractors, subcontractors and vendors who receive payment from the City where the funding has originated from any Federal assistance program are subject to all provisions of Title VI. The City acknowledges its duty to provide Assurances per regulations enacted by the Federal Highway Administration.

The **Assurances and Contract Provisions** are set out in **Attachments 6 through 8**, and those contract provisions will be included as relevant and appropriate in all City documents where funds originated from Federal assistance programs. Any and all written agreements relevant to Title VI shall not contain any form of discrimination either written or implied.

GRIEVANCE PROCESS AND PROCEDURE

The Grievance Procedure for a person with a disability adopted in the City's Transition Plan of 2013 applies equally to any other person who believes the City has discriminated against that person due to race, color, age, gender, or national origin in City programs, services, and/or activities, or denied the person access to such a program, service, and/or activity in any manner. (The **Grievance Policy and Form** are **Attachments 9 and 10 hereto**, and are also located on the City's website.)

The aggrieved person shall use the City's form which is available on the City's website and must submit the form **no later than sixty (60) calendar days after the date of the violation** and shall comply with the City's Grievance Procedure. Under that Grievance Procedure, the City has twenty-one (21) days in which to initially respond, and an additional thirty (30) days to attempt to resolve the problem if the City's initial response is not acceptable to the grievant. Thereafter, the grievant has fifteen (15) days to appeal in writing to the City's Board of Public Works.

The City's ADA Coordinator also serves as the City's Title VI Coordinator in all grievances pertaining to discrimination in city services, programs, and activities due to race, color, age, gender or national origin. The Complaint should be submitted to:

Aladean DeRose
ADA / Title VI Coordinator
City of South Bend Legal Department
227 West Jefferson Boulevard, Suite 1200
South Bend, Indiana 46601

Alternative means of filing Complaints such as personal interviews or a tape recording of the Complaint will be made available for persons with disabilities upon request.

The ADA/Title VI Coordinator maintains a log of all complaints or grievances regarding accessibility of facilities and non-discrimination in the City's services, programs, and activities. This log is maintained for a period of three (3) years and is a public record with exception of any medical information or personal information about a claimant that may be contained within the log.

ENVIRONMENTAL JUSTICE

On January 15, 2016 South Bend Mayor Pete Buttigieg, by executive order, enacted a City-wide diversity and inclusion initiative which among other things supports a policy of equal opportunity, diversity and inclusion throughout the community and within the City's administrative offices and Departments. Under this policy, diversity includes the "different individual attributes such as national heritage and origin, language, race, color, ethnicity, religion sex, sexual orientation, gender identity, age, socioeconomic status, educational background, life experiences, and modes of thought..."

This City initiative encompasses the federal government concept of environmental justice ("EJ"), that is, "the fair treatment and meaningful involvement of all people regardless of race, color, national origin or income with respect to the development, implementation, and enforcement of environmental laws, regulations and policies." The City commits to the objective that no group of persons, including racial, ethnic, or socioeconomic, should bear a disproportionate share of negative environmental consequences resulting from industrial, municipal, and commercial operations of the execution of federal, state, or local programs and policies.

South Bend is a participant in the Michiana Area Council of Governments ("MACOG"), which, using a methodology developed by the Delaware Valley Regional Planning Commission, has conducted an analysis of potentially disadvantaged population groups within its participating members, including the City of South Bend. MACOG's current list of populations which have indicators of Potential Disadvantage are:

Non-Hispanic Minority

Hispanic

Households in Poverty

Limited English Proficiency

Elderly over age 65

Carless Households

Persons with Physical Disabilities

Because the census tracts for the region indicate the average minority population for any census tract within the region is 15.8%, any census tract with a greater percentage, including

several within the City of South Bend, would be identified as having an Indicator of Potential Disadvantage (“IPD”).

South Bend has begun implementation of this goal by assisting the population directly affected by the departure of New Energy Corporation, an ethanol manufacturing plant on the City’s west side, which ceased active operation in 2012 affecting the water levels within the area, and thus capacity for basement flooding of buildings within the area. The area is one with a significant IPD population, including Hispanic, elderly over 65, and low income households. The City has added a well to its water service system to reduce ground water levels in the affected area, at a significant cost to the City’s water utility.

South Bend will observe the principals of EJ in all work and contracts that it performs upon public lands, public right of ways, waterways and wherever EJ is implicated.

ONGOING MONITORING AND UPDATING

The Engineering Division of the South Bend Department of Public Works will continue to monitor pedestrian facilities in the public right of way and the City’s buildings and structures for accessibility to persons with disabilities under the ADA, and will continue to update the list of facilities, buildings and structures, both for compliance and improvement. The ADA/Title VI Coordinator will monitor City programs, services and activities to assure that the City’s policy of inclusion and non-discrimination is promoted and advanced.

2018

UPDATE TO ADA TRANSITION PLAN OF 2013 AND TITLE VI PLAN: NON-DISCRIMINATION IN CITY SERVICES, PROGRAMS, & ACTIVITIES UNDER CIVIL RIGHTS ACT OF 1964

ATTACHMENT 1: PROGRESS UPDATE ON CITY PEDESTRIAN FACILITIES IN PUBLIC RIGHT OF WAY

ADA Transition Plan: Curb Analysis

In 2015, the City of South Bend – Public Works Department conducted a full-scale evaluation of all the curb ramps within the City limits to generate a priority ranking system. Each curb ramp was assigned a numerical value depending on the condition of the ramp, sidewalk approach, and crosswalk. These values are referenced in the City’s ADA Transition Plan and are called Access Grades. Since 2015, the City has made a significant effort to focus on the pedestrians, especially when crossing roadways, with the introduction of Smart Streets. Curb ramps near Government Facilities have seen a change of 16% (23 intersections) from high priority to low priority. Table 1 indicates the changes for each intersection priority between 2015 and 2018.

		Intersection Priority					
		1		2		3	
		Locations serving Government Facilities		Locations serving Commercial & Employment Centers		Locations serving Other Areas	
		2015	2018	2015	2018	2015	2018
High		93	70	80	76	376	386
Medium		69	49	372	284	366	341
Low		106	149	413	471	1108	1158

Table 1: 2015 and 2018 Curb Ramp Ratings

Intersections		
	2015	2018
1A	37	62
1B	69	87
1C	69	49
1D	57	42
1E	36	28
2A	204	210
2B	209	261
2C	199	140
2D	173	144
2E	80	76
3A	272	106
3B	398	542
3C	438	510
3D	366	341
3E	376	386
Total	2983	2984

Table 2: Access Grade Breakdown

2018

UPDATE TO ADA TRANSITION PLAN OF 2013 AND TITLE VI PLAN: NON-DISCRIMINATION IN
CITY SERVICES, PROGRAMS, & ACTIVITIES UNDER CIVIL RIGHTS ACT OF 1964

ATTACHMENT 2: ADA COMPLIANCE CHECKLIST USED IN CITY
ASSESSMENT

QUESTIONS

POSSIBLE SOLUTIONS

Priority

1 Accessible Approach/Entrance

People with disabilities should be able to arrive on the site, approach the building, and enter as freely as everyone else. At least one route of travel should be safe and accessible for everyone, including people with disabilities.

Route of Travel (ADAAG 4.3, 4.4, 4.5, 4.7)


Is there a route of travel that does not require the use of stairs?


Yes No

- Add a ramp if the route of travel is interrupted by stairs.
- Add an alternative route on level ground.


Is the route of travel stable, firm and slip-resistant?

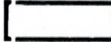
- Repair uneven paving.
- Fill small bumps and breaks with beveled patches.
- Replace gravel with hard top.

 Is the route at least 36 inches wide?


 width

- Change or move landscaping, furnishings, or other features that narrow the route of travel.
- Widen route.

 Can all objects protruding into the circulation paths be detected by a person with a visual disability using a cane?


 distance from wall/
 height


- Move or remove protruding objects.
- Add a cane-detectable base that extends to the ground.
- Place a cane-detectable object on the ground underneath as a warning barrier.

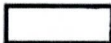
In order to be detected using a cane, an object must be within 27 inches of the ground. Objects hanging or mounted overhead must be higher than 80 inches to provide clear head room. It is not necessary to remove objects that protrude less than 4 inches from the wall.

Do curbs on the route have curb cuts at drives, parking, and drop-offs?

- Install curb cut.
- Add small ramp up to curb.

Ramps (ADAAG 4.8)

 Are the slopes of ramps no greater than 1:12?


 slope

Slope is given as a ratio of the height to the length. 1:12 means for every 12 inches along the base of the ramp, the height increases one inch. For a 1:12 maximum slope, **at least** one foot of ramp length is needed for each inch of height.

- Lengthen ramp to decrease slope.
- Relocate ramp.
- If available space is limited, reconfigure ramp to include switchbacks.

QUESTIONS


POSSIBLE SOLUTIONS

Ramps, continued

Do all ramps longer than 6 feet have railings on both sides?


Yes No

Add railings.

 Are railings sturdy, and between 34 and 38 inches high?

height

Adjust height of railing if not between 30 and 38 inches.
 Secure handrails in fixtures.


 Is the width between railings or curbs at least 36 inches?

width

Relocate the railings.
 Widen the ramp.


Are ramps non-slip?

Add non-slip surface material.

 Is there a 5-foot-long level landing at every 30-foot horizontal length of ramp, at the top and bottom of ramps and at switchbacks?

length


Remodel or relocate ramp.

 Does the ramp rise no more than 30 inches between landings?

rise

Remodel or relocate ramp.

Parking and Drop-Off Areas (ADAAG 4.6)


 Are an adequate number of accessible parking spaces available (8 feet wide for car plus 5-foot access aisle)? For guidance in determining the appropriate number to designate, the table below gives the ADAAG requirements for new construction and alterations (for lots with more than 100 spaces, refer to ADAAG):

number of accessible spaces

Note widths of existing accessible spaces:

Total spaces	Accessible
1 to 25	1 space
26 to 50	2 spaces
51 to 75	3 spaces
76 to 100	4 spaces

Reconfigure a reasonable number of spaces by repainting stripes.

 Are 8-foot-wide spaces, with minimum 8-foot-wide access aisles, and 98 inches of vertical clearance, available for lift-equipped vans?

width / vertical clearance

Reconfigure to provide van-accessible space(s).

At least one of every 8 accessible spaces must be van-accessible (with a minimum of one van-accessible space in all cases).

QUESTIONS

POSSIBLE SOLUTIONS

Parking and Drop-Off Areas, continued

Are the access aisles part of the accessible route to the accessible entrance?

Yes No

Are the accessible spaces closest to the accessible entrance?

Are accessible spaces marked with the International Symbol of Accessibility? Are there signs reading "Van Accessible" at van spaces?

Is there an enforcement procedure to ensure that accessible parking is used only by those who need it?

- Add curb ramps.
- Reconstruct sidewalk.
- Reconfigure spaces.
- Add signs, placed so that they are not obstructed by cars.
- Implement a policy to check periodically for violators and report them to the proper authorities.

Entrance (ADAAG 4.13, 4.14, 4.5)


If there are stairs at the main entrance, is there also a ramp or lift, or is there an alternative accessible entrance?

Do not use a service entrance as the accessible entrance unless there is no other option.


Do all inaccessible entrances have signs indicating the location of the nearest accessible entrance?


Can the alternate accessible entrance be used independently?

- If it is not possible to make the main entrance accessible, create a dignified alternate accessible entrance. If parking is provided, make sure there is accessible parking near all accessible entrances.
- Install signs before inaccessible entrances so that people do not have to retrace the approach.
- Eliminate as much as possible the need for assistance—to answer a doorbell, to operate a lift, or to put down a temporary ramp, for example.

 Does the entrance door have at least 32 inches clear opening (for a double door, at least one 32-inch leaf)?


 clear opening

 Is there at least 18 inches of clear wall space on the pull side of the door, next to the handle?



 clear space

A person using a wheelchair or crutches needs this space to get close enough to open the door.

- Widen the door to 32 inches clear.
- If technically infeasible, widen to 31-3/8 inches minimum.
- Install offset (swing-clear) hinges.
- Remove or relocate furnishings, partitions, or other obstructions.
- Move door.
- Add power-assisted or automatic door opener.


QUESTIONS

POSSIBLE SOLUTIONS

 **Entrance, continued**
Is the threshold edge 1/4-inch high or less, or if beveled edge, no more than 3/4-inch high?


Yes No

height

 If provided, are carpeting or mats a maximum of 1/2-inch high?


height

Are edges securely installed to minimize tripping hazards?

 Is the door handle no higher than 48 inches and operable with a closed fist?


height

The "closed fist" test for handles and controls: Try opening the door or operating the control using only one hand, held in a fist. If you can do it, so can a person who has limited use of his or her hands.

 Can doors be opened without too much force (exterior doors reserved; maximum is 5 lbf for interior doors)?

force

You can use an inexpensive force meter or a fish scale to measure the force required to open a door. Attach the hook end to the doorknob or handle. Pull on the ring end until the door opens, and read off the amount of force required. If you do not have a force meter or a fish scale, you will need to judge subjectively whether the door is easy enough to open.

 If the door has a closer, does it take at least 3 seconds to close?

seconds

- If there is a single step with a rise of 6 inches or less, add a short ramp.
- If there is a threshold greater than 3/4-inch high, remove it or modify it to be a ramp.

- Replace or remove mats.

- Secure carpeting or mats at edges.

- Lower handle.
- Replace inaccessible knob with a lever or loop handle.
- Retrofit with an add-on lever extension.

- Adjust the door closers and oil the hinges.
- Install power-assisted or automatic door openers.
- Install lighter doors.

- Adjust door closer.

QUESTIONS

POSSIBLE SOLUTIONS

Priority

2 Access to Goods and Services

Ideally, the layout of the building should allow people with disabilities to obtain materials or services without assistance.

Horizontal Circulation (ADAAG 4.3)


Does the accessible entrance provide direct access to the main floor, lobby, or elevator?

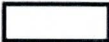
Yes No

- Add ramps or lifts.
- Make another entrance accessible.


Are all public spaces on an accessible route of travel?


- Provide access to all public spaces along an accessible route of travel.

 Is the accessible route to all public spaces at least 36 inches wide?


 width


- Move furnishings such as tables, chairs, display racks, vending machines, and counters to make more room.

 Is there a 5-foot circle or a T-shaped space for a person using a wheelchair to reverse direction?


 width


- Rearrange furnishings, displays, and equipment.


Doors (ADAAG 4.13)

 Do doors into public spaces have at least a 32-inch clear opening?



 clear opening


- Install offset (swing-clear) hinges.
- Widen doors.

 On the pull side of doors, next to the handle, is there at least 18 inches of clear wall space so that a person using a wheelchair or crutches can get near to open the door?



 clear space

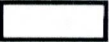
- Reverse the door swing if it is safe to do so.
- Move or remove obstructing partitions.

 Can doors be opened without too much force (5 lbf maximum for interior doors)?



 force


- Adjust or replace closers.
- Install lighter doors.
- Install power-assisted or automatic door openers.

 Are door handles 48 inches high or less and operable with a closed fist?


 height

- Lower handles.
- Replace inaccessible knobs or latches with lever or loop handles.
- Retrofit with add-on levers.
- Install power-assisted or automatic door openers.

 Are all threshold edges 1/4-inch high or less, or if beveled edge, no more than 3/4-inch high?


 height

- If there is a threshold greater than 3/4-inch high, remove it or modify it to be a ramp.
- If between 1/4- and 3/4-inch high, add bevels to both sides.

QUESTIONS

POSSIBLE SOLUTIONS



Rooms and Spaces (ADAAG 4.2, 4.4, 4.5)
Are all aisles and pathways to materials and services at least 36 inches wide?

Yes No

 width

Rearrange furnishings and fixtures to clear aisles.



Is there a 5-foot circle or T-shaped space for turning a wheelchair completely?

Yes No

 width

Rearrange furnishings to clear more room.

Is carpeting low-pile, tightly woven, and securely attached along edges?

Yes No

Secure edges on all sides.
 Replace carpeting.



In circulation paths through public areas, are all obstacles cane-detectable (located within 27 inches of the floor or higher than 80 inches, or protruding less than 4 inches from the wall)?

Yes No

 height/
 protrusion

Remove obstacles.
 Install furnishings, planters, or other cane-detectable barriers underneath.

Emergency Egress (ADAAG 4.28)

If emergency systems are provided, do they have both flashing lights and audible signals?

Yes No

Install visible and audible alarms.
 Provide portable devices.

Signage for Goods and Services (ADAAG 4.30)

Different requirements apply to different types of signs.



If provided, do signs and room numbers designating permanent rooms and spaces where goods and services are provided comply with the appropriate requirements for such signage?

Yes No

Provide signs that have raised letters, Grade II Braille, and that meet all other requirements for permanent room or space signage. (See ADAAG 4.1.3(16) and 4.30.)

• Signs mounted with centerline 60 inches from floor.

Y N

 height

• Mounted on wall adjacent to latch side of door, or as close as possible.

• Raised characters, sized between 5/8 and 2 inches high, with high contrast (for room numbers, rest rooms, exits).

character
 height

• Brailled text of the same information.

• If pictogram is used, it must be accompanied by raised characters and braille.


QUESTIONS

POSSIBLE SOLUTIONS

Directional and Informational Signage

The following questions apply to directional and informational signs that fall under Priority 2.

Yes No

 If mounted above 80 inches, do they have letters at least 3 inches high, with high contrast, and non-glare finish?


letter height

Review requirements and replace signs as needed, meeting the requirements for character size, contrast, and finish.

Do directional and informational signs comply with legibility requirements? (Building directories or temporary signs need not comply.)

Review requirements and replace signs as needed.

Controls (ADAAG 4.27)

 Are all controls that are available for use by the public (including electrical, mechanical, cabinet, game, and self-service controls) located at an accessible height?

height


Relocate controls.

Reach ranges: The maximum height for a side reach is 54 inches; for a forward reach, 48 inches. The minimum reachable height is 15 inches for a front approach and 9 inches for a side approach.

Are they operable with a closed fist?

Replace controls.

Seats, Tables, and Counters (ADAAG 4.2, 4.32, 7.2)


 Are the aisles between fixed seating (other than assembly area seating) at least 36 inches wide?

width

Rearrange chairs or tables to provide 36-inch aisles.


Are the spaces for wheelchair seating distributed throughout?

Rearrange tables to allow room for wheelchairs in seating areas throughout the area.
 Remove some fixed seating.

 Are the tops of tables or counters between 28 and 34 inches high?

height

Lower part or all of high surface.
 Provide auxiliary table or counter.

 Are knee spaces at accessible tables at least 27 inches high, 30 inches wide, and 19 inches deep?


height/
width/
depth

Replace or raise tables.

QUESTIONS

POSSIBLE SOLUTIONS


Seats, Tables, and Counters, continued

 At each type of cashier counter, is there a portion of the main counter that is no more than 36 inches high?

Yes No

 height

- Provide a lower auxiliary counter or folding shelf.
- Arrange the counter and surrounding furnishings to create a space to hand items back and forth.

 Is there a portion of food-ordering counters that is no more than 36 inches high, or is there space at the side for passing items to customers who have difficulty reaching over a high counter?

Yes No

 height

- Lower section of counter.
- Arrange the counter and surrounding furnishings to create a space to pass items.

Vertical Circulation (ADAAG 4.1.3(5), 4.3)

Are there ramps, lifts, or elevators to all public levels?

- Install ramps or lifts.
- Modify a service elevator.
- Relocate goods or services to an accessible area.

On each level, if there are stairs between the entrance and/or elevator and essential public areas, is there an accessible alternate route?

- Post clear signs directing people along an accessible route to ramps, lifts, or elevators.

Stairs (ADAAG 4.9)

The following questions apply to stairs connecting levels *not* serviced by an elevator, ramp, or lift.

Do treads have a non-slip surface?

- Add non-slip surface to treads.


Do stairs have continuous rails on both sides, with extensions beyond the top and bottom stairs?

- Add or replace handrails if possible within existing floor plan.

Elevators (ADAAG 4.10)

Are there both visible and verbal or audible door opening/closing and floor indicators (one tone = up, two tones = down)?

- Install visible and verbal or audible signals.

 Are the call buttons in the hallway no higher than 42 inches?

Yes No

 height

- Lower call buttons.
- Provide a permanently attached reach stick.

Do the controls inside the cab have raised and braille lettering?

- Install raised lettering and braille next to buttons.

QUESTIONS

POSSIBLE SOLUTIONS

Elevators, continued

Is there a sign on both door jambs at every floor identifying the floor in raised and braille letters?

Yes No

Install tactile signs to identify floor numbers, at a height of 60 inches from floor.

If an emergency intercom is provided, is it usable without voice communication?

Modify communication system.


Is the emergency intercom identified by braille and raised letters?

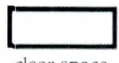
Add tactile identification.

Lifts (ADAAG 4.2, 4.11)


Can the lift be used without assistance? If not, is a call button provided?

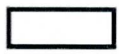
At each stopping level, post clear instructions for use of the lift.
 Provide a call button.

 Is there at least 30 by 48 inches of clear space for a person in a wheelchair to approach to reach the controls and use the lift?


 clear space

Rearrange furnishings and equipment to clear more space.

 Are controls between 15 and 48 inches high (up to 54 inches if a side approach is possible)?


 height

Move controls.

Priority

3 Usability of Rest Rooms

When rest rooms are open to the public, they should be accessible to people with disabilities.

Getting to the Rest Rooms (ADAAG 4.1)

If rest rooms are available to the public, is at least one rest room (either one for each sex, or unisex) fully accessible?

Reconfigure rest room.
 Combine rest rooms to create one unisex accessible rest room.

Are there signs at inaccessible rest rooms that give directions to accessible ones?

Install accessible signs.

Doorways and Passages (ADAAG 4.2, 4.13, 4.30)

Is there tactile signage identifying rest rooms?

Add accessible signage, placed to the side of the door, 60 inches to centerline (not on the door itself).

Mount signs on the wall, on the latch side of the door, complying with the requirements for permanent signage. Avoid using ambiguous symbols in place of text to identify rest rooms.


QUESTIONS

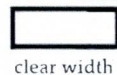
POSSIBLE SOLUTIONS


Doorways and Passages, continued

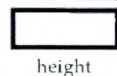
Are pictograms or symbols used to identify rest rooms, and, if used, are raised characters and braille included below them?


Yes No


 Is the doorway at least 32 inches clear?



 clear width

 Are doors equipped with accessible handles (operable with a closed fist), 48 inches high or less?


 height


 Can doors be opened easily (5 lbf maximum force)?

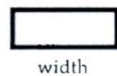

 force

 Does the entry configuration provide adequate maneuvering space for a person using a wheelchair?


 clear width


A person in a wheelchair needs 36 inches of clear width for forward movement, and a 5-foot diameter or T-shaped clear space to make turns. A minimum distance of 48 inches clear of the door swing is needed between the two doors of an entry vestibule.

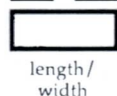
 Is there a 36-inch-wide path to all fixtures?


 width

Stalls (ADAAG 4.17)

Is the stall door operable with a closed fist, inside and out?

 Is there a wheelchair-accessible stall that has an area of at least 5 feet by 5 feet, clear of the door swing, OR is there a stall that is less accessible but that provides greater access than a typical stall (either 36 by 69 inches or 48 by 69 inches)?


 length/
width

If symbols are used, add supplementary verbal signage with raised characters and braille below pictogram symbol.

Install offset (swing-clear) hinges.
 Widen the doorway.

Lower handles.
 Replace knobs or latches with lever or loop handles.
 Add lever extensions.
 Install power-assisted or automatic door openers.

Adjust or replace closers.
 Install lighter doors.
 Install power-assisted or automatic door openers.

Rearrange furnishings such as chairs and trash cans.
 Remove inner door if there is a vestibule with two doors.
 Move or remove obstructing partitions.

Remove obstructions.

Replace inaccessible knobs with lever or loop handles.
 Add lever extensions.

Move or remove partitions.
 Reverse the door swing if it is safe to do so.

QUESTIONS


POSSIBLE SOLUTIONS

Stalls, continued

In the accessible stall, are there grab bars behind and on the side wall nearest to the toilet?

Yes No


Add grab bars.

 Is the toilet seat 17 to 19 inches high?

Add raised seat.

height


Lavatories (ADAAG 4.19, 4.24)

 Does one lavatory have a 30-inch-wide by 48-inch-deep clear space in front?

- Rearrange furnishings.
- Replace lavatory.
- Remove or alter cabinetry to provide space underneath.
- Make sure hot pipes are covered.
- Move a partition or wall.


A maximum of 19 inches of the required depth may be under the lavatory.

clear space

 Is the lavatory rim no higher than 34 inches?

Adjust or replace lavatory.

height

 Is there at least 29 inches from the floor to the bottom of the lavatory apron (excluding pipes)?

Adjust or replace lavatory.


height

Can the faucet be operated with one closed fist?

Replace with paddle handles.

Are soap and other dispensers and hand dryers within reach ranges (see page 7) and usable with one closed fist?

- Lower dispensers.
- Replace with or provide additional accessible dispensers.

 Is the mirror mounted with the bottom edge of the reflecting surface 40 inches high or lower?

- Lower or tilt down the mirror.
- Add a larger mirror anywhere in the room.

height


Priority

4 Additional Access

Note that this priority is for items not required for basic access in the first three priorities.

When amenities such as drinking fountains and public telephones are provided, they should also be accessible to people with disabilities.

Drinking Fountains (ADAAG 4.15)

 Is there at least one fountain with clear floor space of at least 30 by 48 inches in front?


Clear more room by rearranging or removing furnishings.

clear space


QUESTIONS

POSSIBLE SOLUTIONS


Drinking Fountains, continued


 Is there one fountain with its spout no higher than 36 inches from the ground, and another with a standard height spout (or a single "hi-lo" fountain)?

Yes No


 height

Are controls mounted on the front or on the side near the front edge, and operable with one closed fist?

 Is each water fountain cane-detectable (located within 27 inches of the floor or protruding into the circulation space less than 4 inches from the wall)?



 height/
 protrusion


- Provide cup dispensers for fountains with spouts that are too high.
- Provide accessible cooler.


- Replace the controls.


- Place a planter or other cane-detectable barrier on each side at floor level.

Telephones (ADAAG 4.31)

 If pay or public use phones are provided, is there clear floor space of at least 30 by 48 inches in front of at least one?



 clear space


 Is the highest operable part of the phone no higher than 48 inches (up to 54 inches if a side approach is possible)?


 height

- Move furnishings.
- Replace booth with open station.

- Lower telephone.

 Does the phone protrude no more than 4 inches into the circulation space?


 protrusion

- Place a cane-detectable barrier on each side at floor level.

Does the phone have push-button controls?

- Contact phone company to install push-buttons.

Is the phone hearing-aid compatible?

- Have phone replaced with a hearing-aid compatible one.

Is the phone adapted with volume control?

- Have volume control added.

Is the phone with volume control identified with appropriate signage?

- Add signage.

If there are four or more public phones in the building, is one of the phones equipped with a text telephone (TT or TDD)?

- Install a text telephone.
- Have a portable TT available.
- Provide a shelf and outlet next to phone.

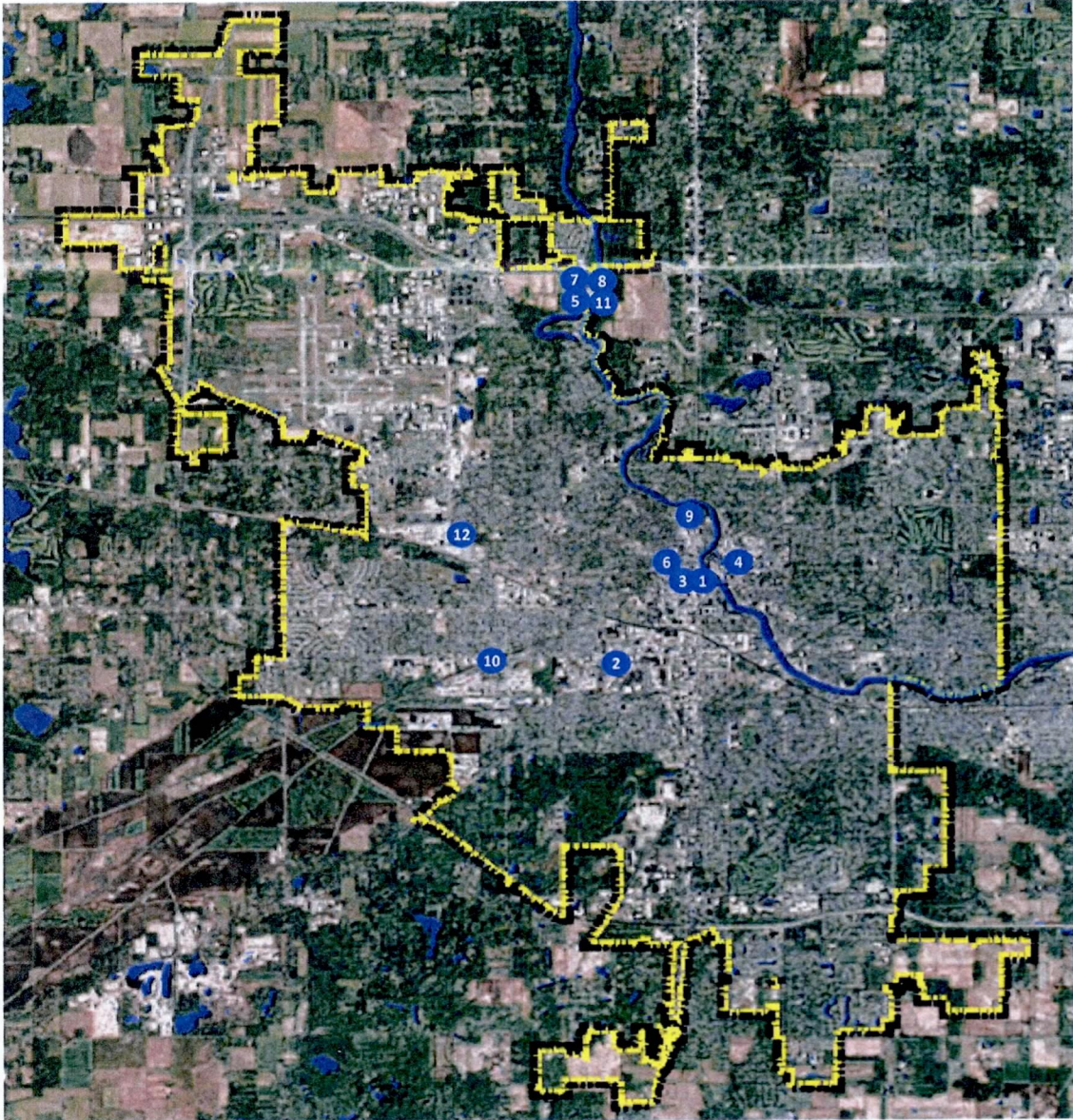
Is the location of the text telephone identified by accessible signage bearing the International TDD Symbol?

- Add signage.

ATTACHMENT 3: SUMMARY OF CITY FACILITIES SELF-EVALUATION

- A. PUBLIC WORKS AND RELATED FACILITIES
- B. PUBLIC ARTS AND ENTERTAINMENT FACILITIES
- C. PUBLIC PARKS
- D. PUBLIC SAFETY FACILITIES

Public Works & Other Facilities

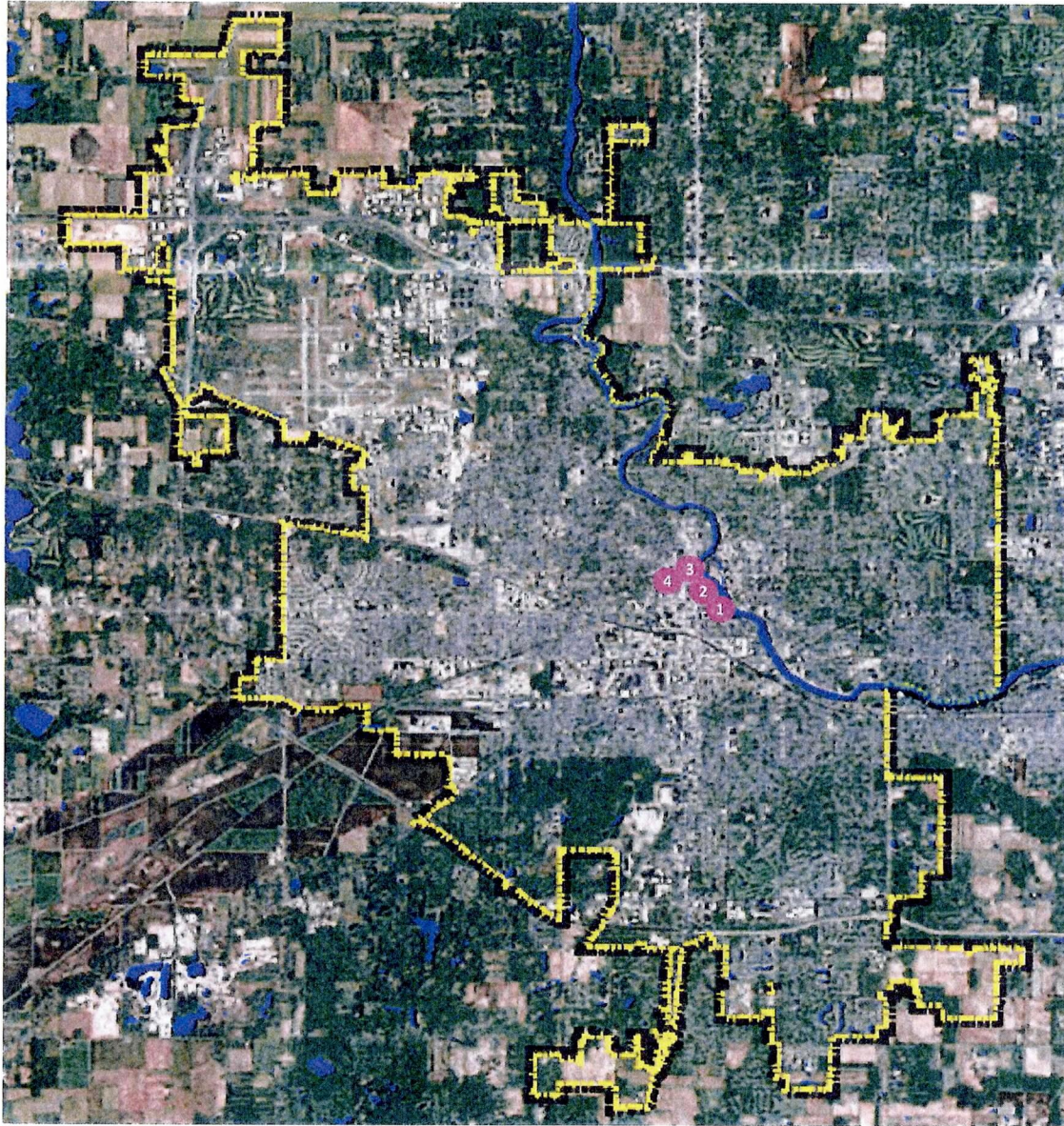


- | | |
|------------------------------|------------------------------|
| 1 Building Department | 8 Water Works: Headworks |
| 2 Central Services Bldg. | 9 Water Works: North Station |
| 3 County-City Building | 10 Water Works: Olive St. |
| 4 Human Rights Commission | 11 Water Works: Solid Waste |
| 5 Water Works: Admin | 12 Animal Control Facility |
| 6 Water Works: Colfax Office | |
| 7 Water Works: Dewatering | |

Public Works and Other Facilities				
ADA Barrier Priorities				
Facility	1. Accessible Approach/Entrance	2. Access to Goods and Services	3. Usability of Rest Rooms	4. Additional Access
2 Building Department 125 S. Lafayette Blvd.	There are no curb cuts at locations of drop offs or handicap parking areas. There are no van accessible handicap spots.	No ADA Barrier Present	No ADA Barrier Present	No ADA Barrier Present
2 Central Service Building 1045 W. Sample St.	Second accessible entrance requires signage. Sign needed to denote van accessibility parking space. Carpeting/mats not secured at edges.	Alarms should be the variety equipped with flashing lights. Signage installed at wrong heights, & lack Braille.	Improper bathroom signage.	No ADA Barrier Present
2 County City Building 227 W. Jefferson Blvd.	No ADA Barrier Present	Need to lower height of call buttons for elevators on all public floors, current height is above 42 inches. Also there are not signs on both sides of the elevator door jamb indicating floor level. On floors 4, 12, 13, 14, and in the court room/13th conference room, there needs to be designated handicap seating available. Court room handles are inaccessible. On floors 4, 12, 13, and 14 the counters are all too high except for city clerk office. Also in the conference room the aisles are too narrow between seats. Court room doors are too heavy.	Need to provide signs on each public floor indicating where accessible bathrooms are. Both bathrooms on ground level and 4th floor need to have signs mounted on latch side of the door. Signs on 4th floor are lacking braille on them. Handles on 4th floor are inaccessible. 4th floor bathroom does not have a 36 inch wide path to all fixtures. Stalls on both floors may need new handles that are more easily accessible. 4th floor bathroom needs grab bar behind toilet. Toilet seats on both floors sit too low (14 and 16 inches high). In basement bathroom there is not 29 inches from the floor to the bottom of the lavatory.	No ADA Barrier Present
6 Humans Right Commission 319 N. Niles Ave.	No ADA Barrier Present	No ADA Barrier Present	No ADA Barrier Present	No ADA Barrier Present
5 Waste Water: Administration 3113 Riverside Dr.	Stripe parking lot for ADA accessible spaces and van accessible spaces. Locate ADA accessible parking space nearest the accessible route.	Replace door knobs with pull handles and panic hardware. Adjust interior and exterior doors for opening pull force. Adjust interior and exterior doors closers for 3 seconds or more closing time.	Add signs denoting the accessible entrance, accessible restrooms, etc.	Not applicable
6 Water Works: Colfax Office 125 W. Colfax Ave.	Parking lot handicapped spaces need code-compliant signage posted.	Fire alarms must be type that flash when active.	Faucets in restrooms inoperable for people with mobility impairments, install "paddle type" handles. Soap dispensers/paper towels and cabinets must be no higher than 48" from the floor. Additionally, the mirror's bottom edge should be no more than 40" from the floor (alternatively, it may be angled downward instead).	Water fountains compliant.
2 Waste Water: Dewatering 3113 Riverside Dr.	Stripe parking lot for ADA accessible space. Locate ADA accessible parking space nearest the accessible route. Add signs denoting the accessible entrance.	Replace door knobs with pull handles and panic hardware. Adjust interior and exterior doors for opening pull force. Adjust interior and exterior door closers for 3 second or more closing time. Add railing and/or floor markings for accessible routes due to low clearances near machinery. Update emergency egress signs for flashing lights and audible signals. Provide signage for rooms.	Upgrade rest room facility for ADA accessibility (stall, lavatory bottom height, hardware, toilet seat height, tactile signs)	Water fountain is too high

Public Works and Other Facilities				
ADA Barrier Priorities				
Facility	1. Accessible Approach/Entrance	2. Access to Goods and Services	3. Usability of Rest Rooms	4. Additional Access
8 Waste Water: Headworks 3113 Riverside Dr.	Elevator. Stripe parking lot for additional ADA accessible spaces. Locate ADA accessible parking space nearest the accessible route	No ADA Barrier Present	Add signs denoting the accessible entrance, accessible restrooms, etc.	Water fountain is not cane-detectable and it is not within 27 inches of the floor; its is 28 inches.
12 Water Works: North Station 830 N. Michigan St.	Where routes cross curbs and steps, ramps need to be installed. At least one parking space must be van-accessible as well, with appropriate stripes painted and signage posted. (It was unclear from assessment if this was already up to code; if so, disregard)	Everything compliant as of assessment	All lavatories require a minimum of 30" x 48" clear space in front. Any noncompliant handicapped stall should be reconfigured accordingly.	Assessor indicated that water fountain was too high (better than 36"), but no exact measurement was provided by the assessor. If need be, the fountain may require height adjustment. If that is the case, keep in mind that the fountain must also be detectable by the visually impaired (part of it must be within 27")
10 Water Works: Olive Street 915 S. Olive St.	The entrance needs an extra 10" of clear wall space on the pull side of the door, next to the handle. All other parts of the form that apply to this structure apply.	Need to provide signs that have raised letters, Grade II Braille, and that meet all other requirements for permanent room or space signage.	The lavatory rim is higher than 34", it is 35". The mirror is mounted at 43" instead of the required 40" so the mirror should be lowered or tilted down.	Not applicable
12 Waste Water: Solid Waste 3113 Riverside Dr.	Stripe parking lot for ADA accessible space. Locate ADA accessible parking space nearest the accessible route. Replace ADA accessible space sign (faded) and provide signs denoting the accessible entrance. Secure mats at edges	Adjust interior and exterior doors for opening pull force. Adjust interior and exterior door closers for 3 second or more closing time. Update emergency egress signs for flashing lights and audible signals. Provide updated signage for rooms, goods and services.	Provide accessible counter for public access if window counter is utilized in the future. Upgrade rest room facility for ADA accessibility (stall, path widths to fixtures, hardware, toilet seat height, tactile signs)	Complies to all applicable features.
12 Animal Control Facility 521 Eclipse Pl.	Access aisles for parking and drop-off are only 5ft wide, might need to be reconfigured. There are no van accessible spaces.	Complies to all applicable specifications.	There are 28.5" between the floor and the bottom of the lavatory apron, which is just under the 29" requirement.	Complies to all applicable specifications.
12 Wayne Street Parking Garage NW corner of St. Joseph St. & Wayne St.	Not enough handicap parking is provided, there also needs to be one van accessible spot for every eight handicap accessible spaces	Call buttons for elevator are installed at a height that is too high, need to be no more than 42 inches high. Also there are not signs on both door jambs identifying the floor after exiting elevator	Not Applicable	No ADA Barrier Present
10 Main & Colfax Parking Garage SE Corner of Main & Colfax	No handicap parking is provided at all, there also needs to be one van accessible spot for every eight handicap accessible spaces, with the spaces there needs accessible aisles that are closest to accessible entrance. Make sure enforcement procedure is in place.	No ADA Barrier Present	Not Applicable	No ADA Barrier Present

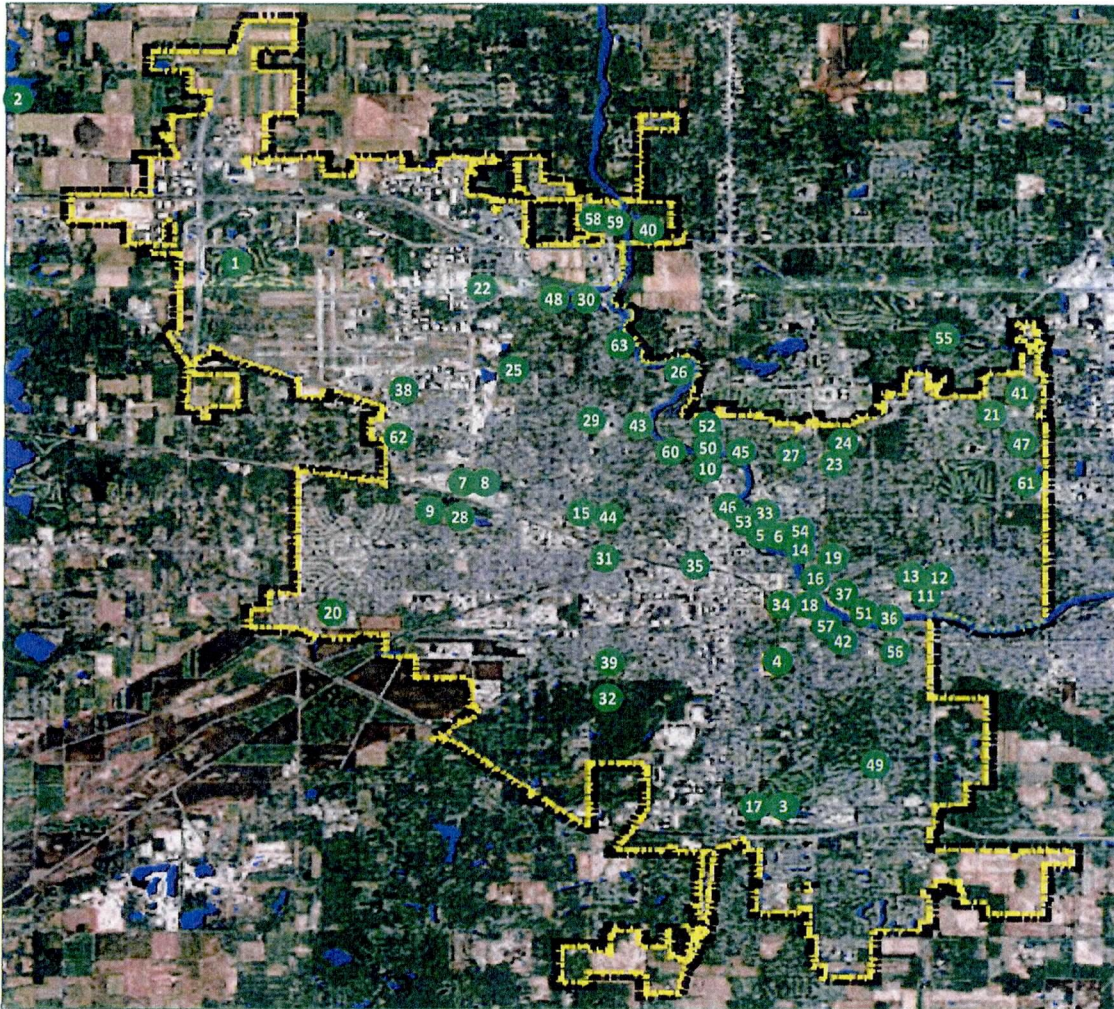
Public Arts & Entertainment Facilities



- 1 Century Center
- 2 College Football Hall of Fame
- 3 Morris Performing Arts Center
- 4 Palais Royale

Public Arts & Entertainment Facilities				
ADA Barrier Priorities				
Facility	1. Accessible Approach/Entrance	2. Access to Goods and Services	3. Usability of Rest Rooms	4. Additional Access
1 Century Center 120 S. St. Joseph St.	Long ramp requires railing on both sides, handicapped parking spaces accessible to vans need to be marked as such	Interior doors may be inoperable to people with mobility issues, should be able to open w/ a closed fist. Signage mounted too high (must be 60" from centerline to floor), also not up to code (needs Braille, high contrast lettering, non-glare finish, etc.). No data available for accessibility of Controls (lightswitches, cabinets, toilet flush handles, etc). These should be checked. Elevator should indicate audibly when doors are opening & closing, and whether it's going up or down. Also needs an emergency intercom in case it gets stuck, with appropriate Braille and raised lettering.	Stall doors not operable with a closed fist.	No ADA Barrier Present
2 College Football Hall of Fame 111 S. St. Joseph St.	Main entrance door is too heavy, exceeds 5lbf	No ADA Barrier Present	Signs outside of bathrooms do not have raised Braille, stall doors are not operable with a closed fist	Water fountains are not cane detectable, can not protrude from the wall four or more inches
1 Morris Performing Arts Center 211 N. Michigan St.	No ADA Barrier Present	No ADA Barrier Present	Toilet seat is 16 inches high, which is to short	No ADA Barrier Present
4 Palais Royale 105 W. Colfax Ave.	No ADA Barrier Present	No ADA Barrier Present	Toilet seat is 16 inches high, which is to short. Also sign outside of door needs to be on latch side, mounted on centerline 60 inches from floor	No ADA Barrier Present

Public Parks



- | | | |
|---------------------------------|--------------------------------|------------------------------|
| 1 Blackthorn Golf Course | 22 Boland Park | 43 Brownfield Park |
| 2 Elbel Clubhouse | 23 Coquillard Park | 44 City Cemetery |
| 3 Erskine Park Clubhouse | 24 Fredrickson Park | 45 East Race Trail |
| 4 Studebaker Golf Shop | 25 Fremont Park | 46 Gwen Stiver Memorial Park |
| 5 Howard Park Ice Rink | 26 Keller Park | 47 Helman Mini Park |
| 6 Howard Park Senior Center | 27 Kelly Park | 48 LaSalle Landing Park |
| 7 Kennedy Park Baseball Diamond | 28 LaSalle Park | 49 Marshall Park |
| 8 Kennedy Park Pool | 29 Muessel Grove Park | 50 Nokomis Park |
| 9 LaSalle Recreation Center | 30 Pinhook Park Pavilion | 51 Northside Blvd. Riverwalk |
| 10 Leeper Park Tennis Courts | 31 Pulaski Park | 52 Parkovash Park |
| 11 Potawatomi Conservatory | 32 Rum Village Nature Center | 53 Pier Park |
| 12 Potawatomi Pool | 33 Seitz Park | 54 Plaza Park |
| 13 Potawatomi Zoo | 34 Southeast Neighborhood Park | 55 Ponader Park |
| 14 Forester | 35 Stanley Coveleski Stadium | 56 Randolph Mini Park |
| 15 Martin Luther King Jr Center | 36 Veteran's Park | 57 Ravina Park |
| 16 Newman Center | 37 Viewing Park | 58 Riverside Manor Park |
| 17 O'Brien Fitness Center | 38 Voorde Park | 59 Riverside Park |
| 18 Parks Maintenance Facility | 39 Walker Field Park | 60 Shetterley Park |
| 19 Parks and Recreation | 40 Wheelock Park | 61 Sorin Park |
| 20 Bellville Park | 41 Booth Tarkington Park | 62 Westhaven Park |
| 21 Boehm Park | 42 Bowman Cemetery | 63 Woodlawn Park |

Public Parks				
ADA Barrier Priorities				
Facility	1. Accessible Approach/Entrance	2. Access to Goods and Services	3. Usability of Rest Rooms	4. Additional Access
1 Blackthorn Golf Course 6100 Nimitz Pkwy.	Spaces need to be reconfigured to provide van-accessible spaces. There are currently no van-accessible spaces. Furnishings, partitions, or other obstructions need to be relocated to allow for at least 18 inches of clear wall space on the pull side of the door, next to the handle.	Furnishings such as tables, chairs, display racks, vending machines, and counters need to be moved to allow for more room to the check-in counter. In the rooms, furnishings and fixtures need to be rearranged to clear aisles and to clear more room. The aisles between fixed seatings are 32" wide instead of the needed 36". The tops of the tables are compliant but the height of the bar is not. The main counter is too high.	Pictograms and symbols are either not used to identify rest rooms or, if they are used, there are no raised characters or braille included below them. There is not a wheelchair-accessible stall. The lavatory rim is higher than 34". The soap and other dispensers are too high. The mirror is too high.	Not applicable
2 Ebel Park Golf Course 26595 Auten Road	Insufficient number of accessible parking spots: require 3 more (6 total) with appropriate signage and placement (i.e. closest to the entrance). One (1) must be van accessible with signage and stripes to indicate. All entrances wheelchair inaccessible as of assessment, reconfigure at least one (1) entrance step into a ramp. Pro Shop thresholds noncompliant. Beveled edges must be no higher than ¼ of an inch. Replace thresholds or add ramps. Doors with knobs inoperable for individuals with mobility issues, replace with lever or loop handles. Interior doors too heavy, any door with a closer must take 3 seconds to close.	Suggestion box and red cabinet not cane detectable. Move/replace or put a cane detectable barrier next to obstacle (such as a planter or other large object) so the blind will know it's there. No fire alarms. Install the kind that flash. Make any signage comply with code	Require compliant signage for restrooms. Approaches to restrooms are compliant, but may be difficult for wheelchairs to navigate. It is compliant to leave them, but if they can be reconfigured without undue hardship or financial commitment, they probably should be. All stalls are completely inaccessible. Make sure at least one in either bath room is up to code/outfitted with grab bars etc. Lower mirrors so that bottom edge is less than 40" from the floor.	Fountain too high; replace if possible, or else provide cup dispenser or accessible cooler.
3 Erskine Park Clubhouse 4200 Miami Rd.	Handicapped parking spaces not closest to accessible entrance; no procedure in place to check/enforce parking. Exterior doors potentially too heavy or otherwise inoperable; insufficient data (doors may have been locked, they apparently couldn't be opened by the assessor. I believe they may have been referring to the "closed fist" test: i.e. the doors are inoperable to people with mobility issues).	Interior doors too heavy or otherwise inoperable (insufficient data, see above). No data available for controls (light switches, cabinets, toilet flush handles etc), not enough knee space under tables to be strictly wheelchair accessible (but may be de minimus; 2" short on depth).	No ADA Barrier Present	No ADA Barrier Present

Public Parks				
ADA Barrier Priorities				
Facility	1. Accessible Approach/Entrance	2. Access to Goods and Services	3. Usability of Rest Rooms	4. Additional Access
4 Studebaker Park Golf Shop 718 E. Calvert St.	At the entrance, there is no ramp, lift, or alternative accessible entrance besides the stairs. The door closers need to be adjusted, the hinges need to be oiled, and the door closer needs to be adjusted so it takes at least 3 seconds to close (it currently takes 2 seconds).	The doors cannot be opened with a force less than 5 lbf. Need to install visible and audible alarms for emergency systems. Need to provide signs that have raised letters, Grade II Braille, and that meet all other requirements for permanent room or space signage. Need to review requirements for the legibility of directional and informational signs and then replace signs as needed. Chairs and tables need to be rearranged to provide 36" aisles. Tables need to be rearranged to allow room for wheelchairs in seating areas throughout the area. All or part of the tables or counters need to be lowered.	Accessible signs must be installed at inaccessible rest rooms giving directions to accessible ones and accessible signage must be added and placed to the side of the door, 60" to the centerline. Needs to be made clear whether pictograms or symbols are used. Doors are not equipped with accessible handles, 48" high or less. The entry configuration does not provide adequate maneuvering space for someone using a wheelchair. Need to add a raised seat to the toilet seat. The furnishing of the lavatory must be rearranged. The lavatory must be replaced or adjusted. The soap dispensers must be lowered and the mirror must be lowered or tilted down.	No ADA Barrier Present
5 Howard Park Ice Rink 219 S. Saint Louis St.	As of assessment, there is nary a wheelchair ramp to be found. There must be at least one accessible entrance into the building. Additionally, there needs to be at least one accessible entrance to the rink itself. It would be helpful to trace a route through the building from any accessible parking spots, making notes to add ramps wherever the route crosses a curb or steps. Parking spaces earmarked for the disabled need to be reconfigured such that they are situated as close as practicable to accessible entrances. They must be painted appropriately, and display code-compliant signage. Signs should be placed that direct people toward accessible entrances as well.	Inside, either the bench or vending machine should be relocated such that there is at least 36" between them. Water fountain not cane-detectable; putting something large, like a planter there would enable the blind to know the fountain is there. Fire alarms must visibly flash when active. Signs should be 60" from the centerline to the floor, mounted on the latch side of a door, and code compliant. The assessment stated that a number of lockers/shelves were too high, but this may still be compliant, so long as a reasonable number are within reach (i.e. can the person use the bottom locker effectively?). However, the lockers and vending machine may be inoperable to individuals with mobility problems. Countertops are too high, must be between 28-34".	Restrooms completely inaccessible. Must be at least one stall for each gender (or a single one if bathroom is unisex) with room to maneuver, grab bars, etc. Only compliant items as of assessment are faucets and soap dispensers. Bathrooms must be reconfigured and signage displayed.	Apart from not being cane-detectable, water fountain otherwise compliant.

Public Parks				
ADA Barrier Priorities				
Facility	1. Accessible Approach/Entrance	2. Access to Goods and Services	3. Usability of Rest Rooms	4. Additional Access
8 Howard Park Senior Center 604 E. Jefferson Blvd.	Parking spaces earmarked for the disabled need to be reconfigured such that they are situated as close as practicable to accessible entrances. They must be painted appropriately, and display code-compliant signage. One space for every eight (8) disabled spots must be van accessible, with appropriate stripes and signage. Signs should be placed that direct people toward accessible entrances as well. Entrance itself needs to be widened (32" minimum) and the door is too heavy. Install lighter door or add power assistance.	Space between wall and desk not compliant; need at least 36". Doorway into south room requires widening to at least 32". Restroom doors too heavy, cannot require more than 5 lbf to open. Fire alarms must be flashing kind. Any permanent directional signage must be brought up to code. Kitchen counter seemingly too high (unless there is a lower auxiliary section available).	Restrooms require signage and lighter or powered doors. Otherwise 100% compliant.	No ADA Barrier Present
8 Kennedy Park Baseball Diamond 2700 Westmoor St.	Not all objects protruding into the circulation paths can be detected by a person with a visual disability using a cane. There are no accessible parking spots available.	Not applicable	Pictograms and symbols are either not used to identify rest rooms or, if they are used, there are no raised characters or braille included below them. There is not a wheelchair-accessible stall. There are no grab bars. The distance from the floor to the bottom of the lavatory apron is too small.	Not applicable
8 Kennedy Park Pool 2700 Westmoor St.	IMPORTANT! Since this assessment was done, the law has been updated, and swimming pools now have their own standards for compliance. This was not an issue when the assessment was originally taken, but data should be gathered and adjustments made.	Fire alarms must be the sort that flash when activated. Signage mounted a little too high and not up to code (Braille, raised lettering, etc.)	No ADA Barrier Present	No ADA Barrier Present
9 Charles Black Recreation Center 3419 W. Washington St.	Doors to entrance could not be opened with a closed fist	All doors inside the building cannot be opened with a closed fist.	There are no signs to indicate where the accessible restroom is at inaccessible restroom. Signs mounted at accessible restroom does not have pictograms or braille to indicate restroom. There is 28 inches from the ground to the bottom of lavatory apron.	No ADA Barrier Present
10 Leeper Park Tennis Courts 907 Riverside Dr.	Sidewalk needed paving as of assessment (parking lot entrance). Green trash cans placed in such a way as to obstruct entrance. Not enough space on latch side of exterior door; requires powered and/or automatic door opener.	Interior doors inoperable to some individuals with mobility impairments (they should be able to be opened with a closed fist). Obstacles along routes not detectable to individuals using a cane (specifically the water fountain, see § IV). Fire alarms must flash when activated. Directional signs too high (should be 60" from centerline to floor), and not up to code (braille, raised lettering, etc.). No data present for controls (light switches, cabinets, etc.), these should be at an accessible height.	Restrooms need compliant signage. Not quite enough room for wheelchair access (needs to be 36" path to all fixtures), perhaps move privacy wall toward lockers if possible/not unduly expensive. Stall doors must be operable, inside & out, with a closed fist. Mirror mounted too high (should have lower edge under 40").	No ADA Barrier Present

Public Parks				
ADA Barrier Priorities				
Facility	1. Accessible Approach/Entrance	2. Access to Goods and Services	3. Usability of Rest Rooms	4. Additional Access
11 Potawatomi Conservatory 2105 Mishawaka Ave.	Ramps on lower level potentially noncompliant: their ratio is 1:8. It is, however, right on the line and the steepest slope allowed under the law. The one at the entrance is also problematic because it covers more than 30 inches of rise, which requires a landing to be added. One parking space must additionally be designated as van-accessible (w/ 8' access aisles), and have signage indicating it as such. Additionally, interior doors are too heavy. Lighter doors must be installed (or, alternatively, be made automatic or power-assisted).	Assessor indicated plants needed to be trimmed back from the walkways, and that fire alarms & emergency systems needed to be made compliant (i.e. the type of alarms with flashing strobes). Assessor indicated restroom signage was too glossy (this can be problematic for the visually impaired). Replace with something closer to a matte or eggshell finish. Other than finish, signs compliant.	No ADA Barrier Present	No ADA Barrier Present
12 Potawatomi Pool 2000 Wall St.	Railings need to be installed and ramps must have non-slip surface material put down. The only accessible entrance is a service entrance. There are no signs indicating an accessible entrance because there is no accessible entrance. The threshold to the entrance is too high so a short ramp should be put in.	The tables protrude too much into public areas. Signs need to be provided that have raised letters, Grade II Braille, and that meet all other requirements for permanent room or space signage. Legibility requirements for signs need to be reviewed and signs should be replaced as needed to meet the requirements for character size, contrast, and finish. The tops of the tables or counters are too high and should be lowered or auxiliary tables/counters should be provided. The counter and surrounding furnishings should be rearranged to create space to pass items. A call button needs to be provided.	Need to add accessible signage, placed to the side of the door, 60" to centerline. For doorways and passages, if symbols are used, add supplementary verbal signage with raised characters and braille below pictogram symbol. Need to replace stall door handles with lever or loop handles.	Need to provide cup dispensers for fountains with spouts that are too high. Need to place a cane-detectable barrier on each side of water fountains at floor level.
11 Potawatomi Zoo 500 S. Greenlawn Ave.	It would appear that there are spaces in the zoo which are open to the public but which lack suitable ramps. Unfortunately, there aren't any measurements provided. The ADA mandates that any area open to the public should have barriers removed to the maximum extent feasible; it may be helpful to trace a route from the disabled spaces in the parking lot, making a note to add ramps wherever the path crosses curbs or steps.	Any directional or informational sign on the interior of a building should provide Braille, unless that sign is mounted up high (greater than 80"). If mounted lower, and if the sign designates a permanent area (say, a gift shop) the sign should have Braille, raised lettering, or pictograms to aid the visually impaired. A sign like that should be mounted with its centerline 60" from the ground, and on the latch side of an entrance. Counters where cashiers are present, or where food is sold should be 36" from the ground or lower. If that is not feasible, a lowered section or portion would be helpful.	Signage should be posted indicating where accessible restrooms are. Other than that, restrooms compliant	No ADA Barrier Present

Public Parks				
ADA Barrier Priorities				
Facility	1. Accessible Approach/Entrance	2. Access to Goods and Services	3. Usability of Rest Rooms	4. Additional Access
16 Martin Luther King Jr. Center 1522 W. Linden Ave.	Ramps longer than 6' require sturdy railings on either side, between 34" & 38" high, and all ramps should be non-slip. Van accessible parking designated, but needs appropriate signage. If no parking monitoring/enforcement procedure is currently in place, one should be implemented. Signs should direct people toward accessible entrances. Secondary accessible entrance should be widened to 32" minimum, if it is to be used. Exterior doors too heavy, need to be replaced with lighter doors or power assistance installed.	Two (2) interior doors need widening: the theater entrance and the east community room entrance. Assessor notes several interior doors too heavy (Take fewer than 5 sec. to close/more than 5 lb. force to open). Conference room door inoperable with closed fist, replace with lever style handle. Fire alarms must be strobe-type that flash. Countertops too high. Directional signage not code compliant on the interior.	Restroom signage inadequate, otherwise restroom fixtures/stalls compliant	No ADA Barrier Present
15 Newman Center 727 S. Eddy Street	As of assessment, there are no ramps. There must be at least one accessible entrance into the building which does not require stairs. Assessor noted that what stairs were present were "crumbling". There are several exterior obstacles that are not cane detectable. Number of designated parking spaces adequate, but at least one must be van accessible, with appropriate stripes and signage. Also, extant spaces need to be reconfigured such that they are closest to an accessible entrance. The exterior entrance must be widened to at least 32" clear. Exterior door also too heavy, and inoperable to individuals with impairments. Replace thumb latch with lever-style handle. Mats should have edges thoroughly secured, lest they become a tripping hazard.	Many interior doorways too narrow (less than 32" opening), too heavy (less than 5 lbs of force to open, and inoperable (fail "closed fist" test). Replace or retrofit. All thresholds must be a maximum of ¼ inch high (or if beveled, ¾ inch). Replace noncompliant thresholds. Fire alarms must be the type that flash. Any signs identifying permanent rooms or facilities must comply with statutory regs. Two light switches too high to reach from chair (54" or lower).	Restroom doors too heavy. No stalls accessible. No signage. Sinks, mirrors, and faucets inaccessible. Reconfigure everything, such that you have at least one handicapped stall available for either gender, with grab bars, etc. But the soap dispensers are compliant if you want to leave them in.	Water fountain should be 36" or less.
16 O'Brien Fitness Center 321 E. Walter St.	Signage should direct people to accessible entrance. At least one (1) parking space needs to be made van-accessible (8 feet wide, min. stripes painted to indicate as such, signage indicating van accessibility). Anterior doors too heavy, inoperable to people with mobility issues, and one door had a brcompliant closer as of the assessment. Assessor didn't indicate which door.	Some interior doors inoperable with closed fist, and also too heavy, lacking sufficient space (at least 18" of clear space on pull side). Assessor did not indicate which doors. Interior signage requires Braille, but is otherwise compliant. Controls at inaccessible height. Lift difficult to operate independently, also needs 30 x 48" of clear space in front of it to be compliant. Stairs need non-slip surface.	Floor to bottom of the lavatory apron is 22" should be at least 29"	Water fountain too high.

Public Parks				
ADA Barrier Priorities				
Facility	1. Accessible Approach/Entrance	2. Access to Goods and Services	3. Usability of Rest Rooms	4. Additional Access
19 Parks Maintenance Facility 1020 High St.	A ramp must be added since the route of travel is interrupted by stairs. The route does not meet the minimum requirement of 36" wide. Curb cuts must be installed. There are no spaces marked for accessible parking nor are there any drop-off areas. The edges of the carpeting or mats at the entrance are not securely installed. There is an inaccessible door knob at the entrance that must be replaced with a lever or a loop handle. The doors are heavy and should probably be replaced with lighter ones.	The door handles must be replaced with lever or loop handles. There needs to be an auxiliary table or counter provided and tables should be replaced or the tables should be raised.	Accessible signs need to be installed at the inaccessible rest rooms to give directions. Lighter doors need to be installed.	No ADA Barrier Present
19 Bellville Park 1300 S. Mayflower Rd.	No ADA Barrier Present	Not applicable	Wheelchair-accessible stall is 34" by 48" smaller than required 60" by 60". There are no grab bars in the accessible stalls. Toilet seat is not high enough. Lavatory rim is 35" higher than required max of 34".	Not applicable
19 Boehm Park 1600 Edison	Not all objects protruding into the circulation paths can be detected by a person with a visual disability using a cane. The ramps have a slope of 1 1/4:12 instead of 1:12. Ramps are not non-slip. The clearance available for parking spaces is 6.5' instead of 8'.	Not applicable	Pictograms and symbols are either not used to identify rest rooms or, if they are used, there are no raised characters or braille included below them. There is no wheelchair accessible stall (the dimensions are 36x48 which is not long enough). There are no grab bars. The distance between the floor and the bottom of the lavatory apron is 28" which is 1" short of the minimum. The faucet should be replaced with paddle handles.	Not applicable
19 Boland Park 2800 Corpus Christi Dr.	Parking spaces are not wide enough for lift-equipped vans; a reconfiguration of spaces could provide the adequate space and the proper signage.	Not applicable	Pictograms and symbols are either not used to identify rest rooms or, if they are used, there are no raised characters or braille included below them. There is not a wheelchair-accessible stall. There are no grab bars in the accessible stalls. Toilet seat is not high enough. There is not at least 29 inches from the floor to the bottom of the lavatory apron.	Not applicable
19 Coquillard Park 1235 Chalfant Rd.	Not Applicable	Not Applicable	Not Applicable	Not applicable
22 Fredrickson Park 1300 South Bend Ave.	Not Applicable	Not Applicable	Not Applicable	Not applicable
23 Fremont Park 1800 N. Fremont St.	Not Applicable	Not Applicable	Not Applicable	No ADA Barrier Present

Public Parks				
ADA Barrier Priorities				
Facility	1. Accessible Approach/Entrance	2. Access to Goods and Services	3. Usability of Rest Rooms	4. Additional Access
22 Keller Park 1858 Riverside Dr.	There are no accessible parking spaces available.	Not applicable	Pictograms and symbols are either not used to identify rest rooms or, if they are used, there are no raised characters or braille included below them. There are no grab bars in the accessible stalls. The lavatory rim is higher than 34 inches.	Not applicable
25 Kelly Park 750 Howard St.	Not Applicable	Not applicable	UNDER CONSTRUCTION	Not applicable
25 LaSalle Park 162 N. Falcon St.	Not Applicable	Not applicable	Not Applicable	Not applicable
27 Muessel Grove Park 1222 Wilber St.	No slopes, 2-4" drop at edge of concrete. No accessible parking spots.	Not applicable	Pictograms and symbols are either not used to identify rest rooms or, if they are used, there are no raised characters or braille included below them. There are no grab bars in the accessible stalls.	Not applicable
28 Pinhook Park Pavilion 2801 Riverside Dr.	Enough designated parking spaces present, but at least one must be painted to reflect that it is van accessible, and have signage that indicates that as well.	Kitchen doorways too narrow, must be at least a 32" opening. Interior doors (except coatroom and one kitchen door) were noncompliant as of last assessment. Assessor noted they were all inoperable with a closed fist (meaning people with mobility issues wouldn't be able to use them either.) These need to be replaced with lever or loop style handles. Fire alarms must be the sort that flash when activated. Check signage requirements and make any permanent signs code compliant. Kitchen countertops too high (41"), should be between 28 and 34" high.	Assessor noted that there are accessible bathrooms outdoors, but the ones inside lack accessible stalls/room to maneuver a wheelchair (need either a 5' x 5', or a 48" x 69"). Grab bars must be added and accessible stalls created, and this is going to require moving toilets or partitions as necessary. Also, the mirrors need to be lowered such that the bottom edge is a maximum of 40" from the floor.	No ADA Barrier Present
29 Pulaski Park 1308 Huron St.	Not Applicable	Not Applicable	Not Applicable	Not applicable
31 Rum Village Nature Center 2626 S. Gertrude St.	No designated parking spaces/signage. Designate spots closest to entrance, put up signs, and implement a policy to monitor cars that park there. Exterior doors too heavy. Entrance door can not be opened with closed fist	Auditorium is problematic: hallway outside too narrow (2 1/2 inches short), not enough space available for a wheelchair to make a U-turn. Not enough space on pull-side of auditorium door (inside or out), must be 18" minimum. No seating spaces for wheelchairs (aisles might be used, but some people find that demeaning and might sue. Better to make room.)	Signs need to be posted on latch side of door, not door itself. Signs do not have pictogram or raised braille to identify restroom. Doors could be problematic, may need levers on them. Stall doors need levers on them to be opened and closed with a closed fist. No grab bar behind toilet. The floor to bottom of lavatory apron height is too short. Soap and towel dispensers are too high. Faucets cannot be operated with closed fist	Water fountains compliant, but assessor indicated more room could be made by moving obstructions out of the way
32 Seitz Park 118 N. St. Joseph	No ADA Barrier Present	No signage is present to direct people to the public goods and services. No railing is available on stairs	Not Applicable	No ADA Barrier Present

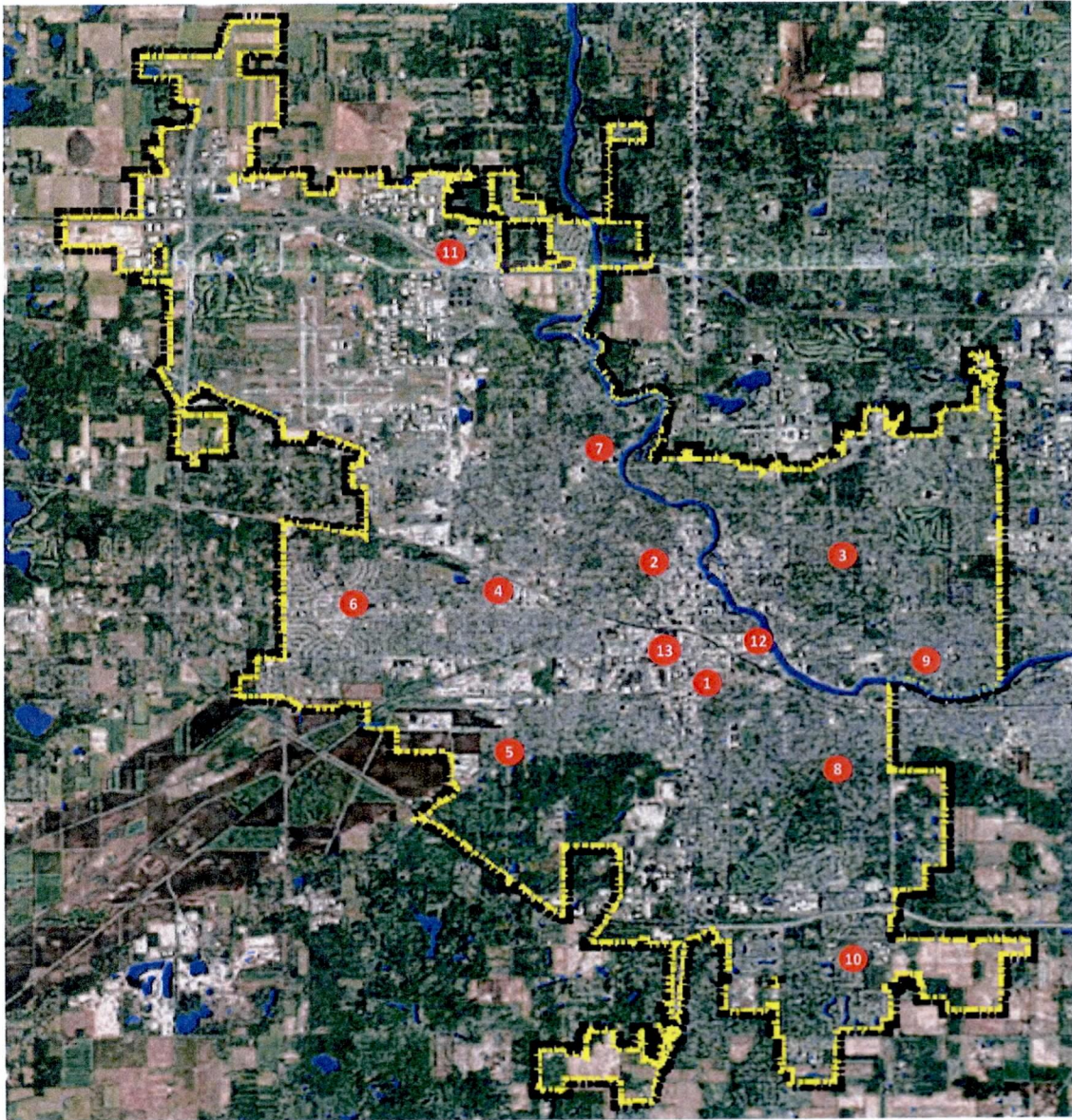
Public Parks				
ADA Barrier Priorities				
Facility	1. Accessible Approach/Entrance	2. Access to Goods and Services	3. Usability of Rest Rooms	4. Additional Access
33 Southeast Neighborhood Park Keasey St.	Not all objects protruding into the circulation paths can be detected by a person with a visual disability using a cane. There are no accessible parking spots available.	Not applicable	Doors cannot be opened easily but are propped open.	The drinking fountain has a clear space of 26" rather than the 30 by 48 needed.
33 Stanley Covelski Stadium 501 W. South St.	Accessible aisles are not apart of the route to the accessible entrance	Concession counters too high, should be lower than 36"	No ADA Barrier Present	No ADA Barrier Present
33 Veteran's Park 1621 Northside Blvd.	Most travel routes are over grass. No accessible parking spaces.	Not applicable	No pictograms or symbols used to identify restrooms. There is not a wheelchair accessible stall. Once an accessible stall is created, grab bars should be installed as well. There are 24" rom the floor to the bottom of the lavatory apron instead of the 29" required. The faucet must be replaced with paddle handles.	Not applicable
33 Viewing Park Northside Blvd.	Not Applicable	Not Applicable	Not Applicable	Not applicable
33 Voorde Park 3433 Keller St.	Parking and drop-off areas: 2 accessible spaces. Spaces are available for lift-equipped vans (with 9' width and 9' vertical clearance). Access aisles are not part of the accessible route to the accessible entrance. There are spaces marked with the International Symbol of Accessibility. There is enforcement that those using the accessible parking are those who need it.	No ADA Barrier Present	Restrooms are accessible except that the toilet seats are 16" in height, under the 17"-19" specified height.	No ADA Barrier Present
33 Walker Field Park 2198 S. Walnut St.	Need to add a ramp and repair uneven paving. There are no curb cuts and there are no ramps. There are no accessible parking spots.	Not applicable	Pictograms and symbols are either not used to identify rest rooms or, if they are used, there are no raised characters or braille included below them. The doorway is less than 32" clear. Restrooms have been locked for a long time and couldn't be opened after unlocking. The rest of the form is not filled out for restrooms.	Not applicable
33 Wheelock Park 20400 Darden Rd.	Slopes are 1.5:12 instead of 1:12. There aren't any accessible spaces. The threshold edge is too high at 1".	Not applicable	One outside handicap accessible rest room.	Not applicable
39 Booth Tarkington Park N. Hickory Rd. @ Hepler	Not Applicable	Not Applicable	Not Applicable	Not applicable
33 Bowman Cemetery 1630 Miami St.	Not Applicable	Not Applicable	Not Applicable	Not Applicable
33 Brownfield Park 1010 W. Angela Blvd.	Not Applicable	Not Applicable	Not Applicable	Control for the water fountain is minuted on top of the spout
33 City Cemetery Colfax St. @ Elm St. Street	Not Applicable	Not Applicable	Not Applicable	Not Applicable
33 East Race Trail Angela Blvd. to Niles Ave.	Not Applicable	Not Applicable	Not Applicable	Not Applicable

Public Parks				
ADA Barrier Priorities				
Facility	1. Accessible Approach/Entrance	2. Access to Goods and Services	3. Usability of Rest Rooms	4. Additional Access
68 Gwen Stiver Memorial Park N. St Joseph St. @ Lasalle Ave.	Not Applicable	Not Applicable	Not Applicable	Not Applicable
41 Helman Mini Park E. Voll Ln.	Not Applicable	Not Applicable	Not Applicable	Not Applicable
41 Lasalle Landing Park 2300 Portage Ave.	Not Applicable	Not Applicable	Not Applicable	Not Applicable
41 Marshall Park 1507 Byron Dr.	Not Applicable	Not Applicable	Not Applicable	Not Applicable
68 Nokomis Park 341 Marquette Ave.	Not Applicable	Not Applicable	Not Applicable	Not Applicable
68 Northside Blvd. Riverwalk Sample St. to Greenlawn Ave.	Not Applicable	Not Applicable	Not Applicable	Not Applicable
68 Parkovash Park 277 Parkovash Ave.	Not Applicable	Not Applicable	Not Applicable	Control for the water fountain is minuted on top of the spout
41 Pier Park Island Park @ Century Center	Not Applicable	Not Applicable	Not Applicable	Not Applicable
68 Plaza Park 2800 Riverside Dr.	Not Applicable	Not Applicable	Not Applicable	Not Applicable
53 Ponader Park 17772 Douglas Rd.	Not Applicable	Not Applicable	Not Applicable	Not Applicable
56 Randolph Mini Park Randolph St. @ Sampson St.	Not Applicable	Not Applicable	Not Applicable	Not Applicable
53 Ravina Park 1543 Dale Ave.	Not Applicable	Not Applicable	Not Applicable	Not Applicable
56 Riverside Manor Park 3811 Glenview Dr.	Not Applicable	Not Applicable	Not Applicable	Not Applicable
53 Riverside Park 4060 Riverside Dr.	Not Applicable	Not Applicable	Not Applicable	Not Applicable
56 Shetterley Park 1000-1150 Riverside Dr.	Not Applicable	Not Applicable	Not Applicable	Not Applicable
56 Sorin Park 3366 Sorin St.	Not Applicable	Not Applicable	Not Applicable	Not Applicable
68 Westhaven Park Sussex Dr. @ Grove St.	Not Applicable	Not Applicable	Not Applicable	Not Applicable
41 Woodlawn Park 2166 Riverside Dr.	Not Applicable	Not Applicable	Not Applicable	Not Applicable
62 O'Brien Park 321 E. Walter St.	Not Applicable	Not Applicable	Not Applicable	#REF!
68 Potawatomi Park Mishawaka Ave. at Greenlawn Ave.	Not Applicable	Not Applicable	Door handles are at 58 inches from the ground, needs to be 48 inches high or less, doors do no not open easily, too heavy, floor to bottom of lavatory is 26 inches, must at least be 29 inches	Water fountain is not cane delectactable
62 Rum Village Park Ewing Ave. at Gertrude St.	Route to park is not safe, grave and grass path. No handicap accessible oarking available.	Not Applicable	Pictograms and braille are not used to identify bathrooms. Flilor to to bottom of lavatory apron is 28.5", which is too short	Not Applicable

65

Public Parks				
ADA Barrier Priorities				
Facility	1. Accessible Approach/Entrance	2. Access to Goods and Services	3. Usability of Rest Rooms	4. Additional Access
Ryer Park 1564 Kenmore St.	Not Applicable	Not Applicable	Not Applicable	Not Applicable

Public Safety Facilities



- | | |
|------------------------|-------------------------|
| 1 Central Fire Station | 7 Fire Station, # 7 |
| 2 Fire Station, # 2 | 8 Fire Station, # 8 |
| 3 Fire Station, # 3 | 9 Fire Station, # 9 |
| 4 Fire Station, # 4 | 10 Fire Station, # 10 |
| 5 Fire Station, # 5 | 11 Fire Station, # 11 |
| 6 Fire Station, # 6 | 12 Fire Training Center |
| | 13 Police Department |

Public Safety Facilities				
ADA Barrier Priorities				
Facility	1. Accessible Approach/Entrance	2. Access to Goods and Services	3. Usability of Rest Rooms	4. Additional Access
3 Central Fire Station 1222 S. Michigan St.	No signage to direct people to accessible entrances. Handicapped parking is not enforced.	Some public levels in the building are only accessible by stairs. The elevator must provide an audible cue that it is ascending/descending and that the doors opening/closing	Mirror in handicapped accessible restroom installed too high.	Water fountain too high to be detected by the blind.
2 Fire Station, # 2 402 Martin Luther King Blvd.	No signage to direct people to accessible entrances. Handicapped parking is not enforced.	No ADA Barrier Present	Not enough space in Handicapped restroom stall to maneuver wheelchair.	No ADA Barrier Present
3 Fire Station, # 3 1805 McKinley Ave.	No accessible entrances to the building recorded. No wheelchair ramps present. No handicapped parking present. Anterior doors too heavy, also inoperable to individuals with mobility issues and close too fast for individuals to wheel themselves through.	Alarms must be able to flash. Obstacles not cane detectable in hallways. Signage installed too high, lacks appropriate Braille, and may not comply with legibility requirements. Controls (light switch, cabinets, etc) inaccessible/inoperable. Tables/countertops not accessible.	No designated restroom facility, no signage, no stall, no grab bars etc. Only complaint items in restroom are mirror and soap dispenser.	No ADA Barrier Present
3 Fire Station, # 4 220 N. Olive St.	No curb cuts or ramps present at appropriate places. Parking not designated, appropriate stripes not painted. Van accessible spots too far from entrance, no signage present. System to monitor parking should be implemented, after parking is designated. Add signage directing people to accessible entrance. Entrance thresholds too high; add ramp, replace, or bevel edges appropriately.	Door handles inside station inoperable. Thresholds too high, add ramps, replace, or bevel edges. Obstacles not cane detectable. Alarms must be able to flash. Signs too high, not in Braille, on wrong side of doors, and lack raised print. Controls inoperable.	No designated restroom facility, no signage, no stall, no grab bars etc. Nothing compliant or accessible.	Water fountain too high to be used.
3 Fire Station, # 5 2221 Prairie Ave.	Entrance not wide enough. But only one inch short. If feasible, install different hinges so as to be compliant. Low priority. No ramps present. No accessible, designated parking present. Remedy ASAP.	Interior doors and hallways also an inch short of compliance. See if they can be inexpensively finessed into compliance. Thresholds too high. Improper alarms, need flashing ones. Apparently no signage present anywhere. Inoperable controls (lights, cabinets, etc.)	No accessible restrooms/stalls. Remedy ASAP.	No ADA Barrier Present
6 Fire Station, # 6 4302 Western Ave.	Entrance not wide enough, one inch short. If feasible, install different hinges so as to be compliant. Low priority. No ramps present. No accessible or designated parking present. Remedy ASAP.	Thresholds too high, improper alarms, need flashing ones. No signage present, inoperable controls	No accessible restrooms/stalls, nonoperable faucets and soap dispenser. Mirror too high. Remedy ASAP.	Fountains inaccessible, nonoperable, and not cane detectable.

Public Safety Facilities				
ADA Barrier Priorities				
Facility	1. Accessible Approach/Entrance	2. Access to Goods and Services	3. Usability of Rest Rooms	4. Additional Access
7 Fire Station, # 7 1616 Portage Ave.	No curb cuts or ramps present. Parking not designated, appropriate stripes not painted. Van accessible spots too far from entrance, no signage present. System to monitor parking should be implemented. Add signage directing people to accessible entrance. Entrance thresholds too high; add ramp, replace, or bevel edges appropriately. Anterior hallway an inch short of compliance, Widen if possible.	Inside thresholds too high, installed signage too high. Require flashing alarm system and lower controls.	Restroom facility has accessible stall with bars, but toilet is too low. Mirrors are too high, and faucets and soap are inoperable. Needs signage outside.	Inaccessible/inoperable water fountain.
7 Fire Station, # 8 2402 Twykenham Ave.	Entrances need to be significantly widened, objects along route not cane detectable. No curb cuts or ramps present. No designated parking, no signage, and no enforcement policy present. Thresholds too high.	Route along interior of building too narrow, thresholds too high, alarms must flash when activated. No signage present	No restroom access. Only compliant item is soap dispenser	No ADA Barrier Present
9 Fire Station, # 9 2520 Mishawaka Ave.	No accessible entrances to the building recorded. No curb cuts/wheelchair ramps present. No handicapped parking present. No Signage. Thresholds too high, inoperable doors.	Doors too narrow. Thresholds too high, paths too narrow. Fire alarms must flash. No directional signage present. Inoperable controls	No designated, accessible restrooms in building	No ADA Barrier Present
13 Fire Station, # 10 5303 York Rd.	No curb cuts/wheelchair ramps present. Parking needs stripes painted and signs hung. Enforcement policy should be devised & implemented.	No ADA Barrier Present	No ADA Barrier Present	No ADA Barrier Present
11 Fire Station, # 11 3505 N. Bend Ave.	No curb cuts/wheelchair ramps present. No handicapped parking present. Bathroom signage needed. Water fountain inaccessible.	No ADA Barrier Present	No ADA Barrier Present	No ADA Barrier Present
13 Fire Training Center 710 E. Sample St.	No ADA Barrier Present	No ADA Barrier Present	No ADA Barrier Present	Phone is not hearing-aid compatible. Does not specify how many phones are in the building. If there are four or more, one must be equipped with a text telephone that is identified by accessible signage bearing the International TDD symbol.
13 Police Department 701 W. Sample St.	Within the Parking and Drop-off areas, the access aisles are not part of the accessible route to the accessible entrance. Need 18" of clear wall space on the pull side of the door, next to the handle.	No ADA Barrier Present	The doors are not easily opened. Closers should be adjusted or replaced, lighter doors should be installed, or power-assisted or automatic door openers should be installed. The mirror needs to be lowered or tilted down.	No ADA Barrier Present

2018

UPDATE TO ADA TRANSITION PLAN OF 2013 AND TITLE VI PLAN: NON-DISCRIMINATION IN
CITY SERVICES, PROGRAMS, & ACTIVITIES UNDER CIVIL RIGHTS ACT OF 1964

**ATTACHMENT 4-A: TITLE VI VOLUNTARY PUBLIC INVOLVEMENT
SURVEY FORM (ENGLISH)**

VOLUNTARY TITLE VI PUBLIC INVOLVEMENT SURVEY

As a recipient of federal funds, the Indiana Department of Transportation (INDOT) is requiring cities and other local agencies to develop a procedure for gathering statistical data regarding participants and beneficiaries of its federal-aid highway programs and other city services, programs, and activities (23 CRF §200.9(b)(4)). The City of South Bend is distributing this voluntary survey to fulfill that requirement to gather information about the populations affected by proposed projects and by all city programs.

You are not required to complete this survey. Submittal of this information is voluntary. This form is a public document that the City of South Bend will use to monitor its programs and activities for compliance with Title VI and the Civil Rights Act of 1964, as amended and its related statutes and regulations. These laws protect citizens from government discrimination in services, programs, and activities based on race, color, gender, national origin, age, disability, religion, income status, or Limited English Proficiency (LEP).

If you have any questions regarding the City of South Bend's responsibilities under Title VI of the Civil Rights Act of 1964 or the Americans with Disabilities Act, please contact Aladean DeRose, ADA/Title VI Coordinator, 1200 County-City Building, South Bend, IN, 46601, aderose@southbendin.gov.

You may return the survey by folding it and placing it on the registration table or by mailing or e-mailing it to the address below.

Date:		
Project/Program Name:		
Proposed Project or Program Location:		
Gender: <input type="checkbox"/> Female <input type="checkbox"/> Male Ethnicity: <input type="checkbox"/> Hispanic or Latino <input type="checkbox"/> Not Hispanic or Latino		
Race: (Check one or more)		
<input type="checkbox"/> American Indian or Alaska Native		<input type="checkbox"/> Asian
<input type="checkbox"/> Native Hawaiian or Other Pacific Islander		<input type="checkbox"/> White
<input type="checkbox"/> Black or African-American		<input type="checkbox"/> Multiracial
Age: <input type="checkbox"/> 1-21 <input type="checkbox"/> 22-40		Disability: <input type="checkbox"/> Yes
<input type="checkbox"/> 41-65 <input type="checkbox"/> 65+		<input type="checkbox"/> No
Household Income:		
<input type="checkbox"/> \$0-\$12,000	<input type="checkbox"/> \$12,001-\$24,000	<input type="checkbox"/> \$24,001-\$36,000
<input type="checkbox"/> \$36,001-\$48,000	<input type="checkbox"/> \$48,001-\$60,000	<input type="checkbox"/> \$60,001+
Aladean DeRose, ADA/Title VI Coordinator 1200 County-City Building South Bend, IN, 46601 (574) 235-9241 aderose@southbendin.gov		

2018

UPDATE TO ADA TRANSITION PLAN OF 2013 AND TITLE VI PLAN: NON-DISCRIMINATION IN
CITY SERVICES, PROGRAMS, & ACTIVITIES UNDER CIVIL RIGHTS ACT OF 1964

**ATTACHMENT 4-B: TITLE VI VOLUNTARY PUBLIC INVOLVEMENT
SURVEY FORM (SPANISH)**

ENCUESTA VOLUNTARIA DE PARTICIPACIÓN PÚBLICA DE TÍTULO VI

Como beneficiario de fondos federales, el Departamento de Transporte de Indiana (INDOT) está requiriendo que las ciudades y otras agencias locales desarrollen un procedimiento para reunir datos estadísticos sobre los participantes y beneficiarios de sus programas de autopistas de ayuda federal y otros servicios, programas, y actividades de la ciudad (23 CRF § 200.9(b)(4)). La ciudad de South Bend está distribuyendo esta encuesta voluntaria para cumplir con ese requisito para reunir información sobre las poblaciones afectadas por los proyectos propuestos y por todos los programas de la ciudad.

No está obligado a completar esta encuesta. La presentación de esta información es voluntaria. Este formulario es un documento público que la ciudad de South Bend usará para monitorizar sus programas y actividades para cumplir con el Título VI y la Ley de Derechos Civiles de 1964, en su forma enmendada y sus estatutos y reglamentos relacionados. Estas leyes protegen a los ciudadanos de la discriminación del gobierno en servicios, programas, y actividades basadas en la raza, el color, el género, el origen nacional, la edad, la discapacidad, la religión, el estatus de ingreso o la habilidad limitada del inglés (LEP).

Si usted tiene alguna pregunta acerca de las responsabilidades de la ciudad de South Bend bajo el Título VI de la Ley de Derechos Civiles de 1964 o la Ley de Americanos con Discapacidades, por favor comuníquese con Aladean DeRose, ADA/ Coordinadora de Título VI, 1200 County-City Building, South Bend, IN, 46601, aderose@southbendin.gov.

Puede devolver la encuesta al doblarla y colocarla en la mesa de registro o por correo o por correo electrónico a la dirección que aparece a continuación.

Fecha:		
Nombre del proyecto/programa:		
Proyecto propuesto o ubicación del programa:		
Género: <input type="checkbox"/> Femenino <input type="checkbox"/> Masculino Etnicidad: <input type="checkbox"/> Hispano o latino <input type="checkbox"/> No hispano o latino		
Raza:		
<input type="checkbox"/> Indio Americano o Nativo de Alaska <input type="checkbox"/> Asiático <input type="checkbox"/> Nativo de Hawái u otro isla del pacífico <input type="checkbox"/> Blanco <input type="checkbox"/> Negro o Afroamericano <input type="checkbox"/> Multirracial		
Edad:		Discapacidad:
<input type="checkbox"/> 1-21 <input type="checkbox"/> 22-40		<input type="checkbox"/> Si
<input type="checkbox"/> 41-65 <input type="checkbox"/> 65+		<input type="checkbox"/> No
Ingreso familiar:		
<input type="checkbox"/> \$0-\$12,000 <input type="checkbox"/> \$12,001-\$24,000 <input type="checkbox"/> \$24,001-\$36,000 <input type="checkbox"/> \$36,001-\$48,000 <input type="checkbox"/> \$48,001-\$60,000 <input type="checkbox"/> \$60,001+		
Aladean DeRose, ADA/ Coordinadora de Título VI 1200 County-City Building South Bend, IN, 46601 (574) 235-9241 Correo electrónico: aderose@southbendin.gov		

2018

UPDATE TO ADA TRANSITION PLAN OF 2013 AND TITLE VI PLAN: NON-DISCRIMINATION IN
CITY SERVICES, PROGRAMS, & ACTIVITIES UNDER CIVIL RIGHTS ACT OF 1964

ATTACHMENT 5: I-SPEAK CARDS

- | | |
|---|------------------------|
| <input type="checkbox"/> وضع علامة في هذا المربع إذا كنت تقرأ أو تتحدث العربية. | 1. Arabic |
| <input type="checkbox"/> Մարդու՞մ ենք հար՞ում կատարեք այս քանակազուտում, եթե խոսում կամ կարդում եք հայերեն: | 2. Armenian |
| <input type="checkbox"/> যদি আপনি বাংলা পড়েন বা বলেন তা হলে এই বাক্সে দাগ দিন। | 3. Bengali |
| <input type="checkbox"/> ល្អបញ្ជាក់ក្នុងប្រអប់នេះ បើអ្នកអាន ឬនិយាយភាសា ខ្មែរ ។ | 4. Cambodian |
| <input type="checkbox"/> Motka i kahhon ya yangin ûntûngnu' manaitai pat ûntûngnu' kumentos Chamorro. | 5. Chamorro |
| <input type="checkbox"/> 如果你能读中文或讲中文，请选择此框。 | 6. Simplified Chinese |
| <input type="checkbox"/> 如果你能讀中文或講中文，請選擇此框。 | 7. Traditional Chinese |
| <input type="checkbox"/> Označite ovaj kvadratić ako čitate ili govorite hrvatski jezik. | 8. Croatian |
| <input type="checkbox"/> Zaškrtněte tuto kolonku, pokud čtete a hovoříte česky. | 9. Czech |
| <input type="checkbox"/> Kruis dit vakje aan als u Nederlands kunt lezen of spreken. | 10. Dutch |
| <input type="checkbox"/> Mark this box if you read or speak English. | 11. English |
| <input type="checkbox"/> اگر خواندن و نوشتن فارسی بلد هستید، این مربع را علامت بزنید. | 12. Farsi |

- | | | |
|--------------------------|--|-----------------------|
| <input type="checkbox"/> | Cocher ici si vous lisez ou parlez le français. | 13. French |
| <input type="checkbox"/> | Kreuzen Sie dieses Kästchen an, wenn Sie Deutsch lesen oder sprechen. | 14. German |
| <input type="checkbox"/> | Σημειώστε αυτό το πλαίσιο αν διαβάζετε ή μιλάτε Ελληνικά. | 15. Greek |
| <input type="checkbox"/> | Make kazye sa a si ou li oswa ou pale kreyòl ayisyen. | 16. Haitian
Creole |
| <input type="checkbox"/> | अगर आप हिन्दी बोलते या पढ़ सकते हैं तो इस बक्स पर चिह्न लगाएँ। | 17. Hindi |
| <input type="checkbox"/> | Kos lub voj no yog koj paub twm thiab hais lus Hmoob. | 18. Hmong |
| <input type="checkbox"/> | Jelölje meg ezt a kockát, ha megérta vagy beszéli a magyar nyelvet. | 19. Hungarian |
| <input type="checkbox"/> | Markaam daytoy nga kahon no makabasa wenno makasaoka iti Ilocano. | 20. Ilocano |
| <input type="checkbox"/> | Marchi questa casella se legge o parla italiano. | 21. Italian |
| <input type="checkbox"/> | 日本語を読んだり、話せる場合はここに印を付けてください。 | 22. Japanese |
| <input type="checkbox"/> | 한국어를 읽거나 말할 수 있으면 이 칸에 표시하십시오. | 23. Korean |
| <input type="checkbox"/> | ໃຫ້ໝາຍໃສ່ຊ່ອງນີ້ ຖ້າທ່ານອ່ານຫຼືປາກພາສາລາວ. | 24. Laotian |
| <input type="checkbox"/> | Prosimy o zaznaczenie tego kwadratu, jeżeli posługuje się Pan/Pani językiem polskim. | 25. Polish |

<input type="checkbox"/>	Assinale este quadrado se você lê ou fala português.	26. Portuguese
<input type="checkbox"/>	Însemnați această casuță dacă citiți sau vorbiți românește.	27. Romanian
<input type="checkbox"/>	Пометьте этот квадратик, если вы читаете или говорите по-русски.	28. Russian
<input type="checkbox"/>	Обележите овај квадратик уколико читате или говорите српски језик.	29. Serbian
<input type="checkbox"/>	Označte tento štvorček, ak viete čítať alebo hovoriť po slovensky.	30. Slovak
<input type="checkbox"/>	Marque esta casilla si lee o habla español.	31. Spanish
<input type="checkbox"/>	Markahan itong kuwadrado kung kayo ay marunong magbasa o magsalita ng Tagalog.	32. Tagalog
<input type="checkbox"/>	ให้กาเครื่องหมายลงในช่องดำท่านอ่านหรือพูดภาษาไทย.	33. Thai
<input type="checkbox"/>	Maaka 'i he puha ni kapau 'oku ke lau pe lea fakatonga.	34. Tongan
<input type="checkbox"/>	Відмітьте цю клітинку, якщо ви читаете або говорите українською мовою.	35. Ukrainian
<input type="checkbox"/>	اگر آپ اردو پڑھتے یا بولتے ہیں تو اس خانے میں نشان لگائیں۔	36. Urdu
<input type="checkbox"/>	Xin đánh dấu vào ô này nếu quý vị biết đọc và nói được Việt Ngữ.	37. Vietnamese
<input type="checkbox"/>	באצייכנט דעם קעסטל אויב איר לייענט אדער רעדט אידיש.	38. Yiddish

2018

UPDATE TO ADA TRANSITION PLAN OF 2013 AND TITLE VI PLAN: NON-DISCRIMINATION IN
CITY SERVICES, PROGRAMS, & ACTIVITIES UNDER CIVIL RIGHTS ACT OF 1964

ATTACHMENT 6: CONTRACT ASSURANCES UNDER TITLE VI

Title VI Assurance – General

During the performance of this contract, the contractor, for itself, its assignees and successors in interest (hereinafter referred to as the "contractor") agrees as follows:

1. **Compliance with Regulations:** The contractor shall comply with the Regulations relative to nondiscrimination in Federally-assisted programs of the Department of Transportation (hereinafter "DOT") Title 49, Code of Federal Regulations, Part 21, and the Federal Highway Administration (hereinafter "FHWA") Title 23, Code of Federal Regulations, Part 200 as they may be amended from time to time (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this contract.
2. **Nondiscrimination:** The contractor, with regard to the work performed by it during the contract, shall not discriminate on the grounds of race, color, national origin, sex, age, disability, and low income in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor shall not participate either directly or indirectly in the discrimination prohibited by the Acts and the Regulations, including employment practices when the contract covers a program set forth in Appendix B of the Regulations.
3. **Solicitations for Subcontractors, Including Procurements of Materials and Equipment:** In all solicitations either by competitive bidding or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials or leases of equipment, each potential subcontractor or supplier shall be notified by the contractor of the contractor's obligations under this contract and the Regulations relative to nondiscrimination on the grounds of race, color, national origin, sex, age, disability, and low income.
4. **Information and Reports:** The contractor shall provide all information and reports required by the Regulations, and directives issues pursuant thereto, and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the City of South Bend ("South Bend"), Indiana or the Indiana Department of Transportation ("INDOT") or to the FHWA to be pertinent to ascertain compliance with such Regulations, orders and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish this information the contractor shall so certify to South Bend, Indiana or INDOT or the FHWA, as appropriate, and shall set forth what efforts it has made to obtain the information.
5. **Sanctions for Noncompliance:** In the event of the contractor's noncompliance with the nondiscrimination provisions of this contract, South Bend, Indiana shall impose such contract sanctions as it or INDOT or the FHWA may determine to be appropriate, including but not limited to:
 - a. Withholding of payments to the contractor under the contract until the contractor complies, and/or
 - b. Cancellation, termination or suspension of the contract, in whole or in part.

6. **Incorporation of Provisions:** The contractor shall include the provisions of paragraphs (1) through (6) in every subcontract, including procurements of materials and leases of equipment, unless exempt by Regulations, or directives issued pursuant thereto.

The contractor shall take such actions with respect to any subcontract or procurement as South Bend, Indiana or INDOT or the FHWA may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, however, that if the contractor becomes involved in, or is threatened with litigation by a subcontractor or supplier as a result of such direction, the contract may request South Bend, Indiana to enter into such litigation to proceed the interests of South Bend, Indiana and, in addition, the contractor may request the United States to enter into the litigation to protect the interests of the United States.

2018

UPDATE TO ADA TRANSITION PLAN OF 2013 AND TITLE VI PLAN: NON-DISCRIMINATION IN
CITY SERVICES, PROGRAMS, & ACTIVITIES UNDER CIVIL RIGHTS ACT OF 1964

ATTACHMENT 7: CLAUSES FOR DEEDS TRANSFERRING UNITED
STATES PROPERTY

CLAUSES FOR DEEDS TRANSFERRING UNITED STATES PROPERTY

The following clauses shall be included in all deeds effecting or recording the transfer of real property, structures, or improvements thereon, or granting interest therein from the United States pursuant to the assurances required by Title VI:

(Granting Clause)

NOW, THEREFORE, the U.S. Department of Transportation, as authorized by law, and upon the condition that the City of South Bend, St. Joseph County, Indiana ("South Bend") will accept title to the lands and maintain the project constructed thereon, in accordance with Title 23, United States Code of Federal Regulations, the Regulations for the Administration of the Federal Aid Highway Programs and the policies and procedures prescribed by the FHWA, also in accordance and in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally assisted programs of the U.S. Department of Transportation and Title 23 Code of Federal Regulations, Part 200, Title VI Program and Related Statutes (hereinafter referred to as the Regulations) pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. § 200d to 2000d-4), does hereby remise, release, quitclaim and convey unto South Bend, Indiana all the right, title and interest of the U.S. Department of Transportation in and to said lands described in Exhibit A attached hereto and made a part hereof.

(Habendum Clause)

TO HAVE AND TO HOLD said lands and interests therein unto South Bend, Indiana and its successors forever, subject, however, to the covenants, conditions, restrictions and reservations herein contained as follows, which will remain in effect for the period during which the real property or structures are used for a purpose for which Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits and shall be binding on South Bend, Indiana, its successors and assigns.

South Bend, Indiana, in consideration of the conveyance of said lands and interests in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns, that (1) no person on the grounds of race, color, national origin, sex, age, disability, or low income be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination with regard to any facility located wholly or in part on, over, or under such lands hereby conveyed [,] [and]* (2) that South Bend, Indiana shall use the lands and interests in lands and interests in the land so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21 Nondiscrimination in Federally assisted programs of the U.S. Department of Transportation, Effectuation of Title VI of the Civil Rights Act of 1964, Title 23 Code of Federal Regulations, Part 200, Title VI Program and Related Statutes - Implementation and Review Procedures, and as said Regulations and Acts be

amended [, and (3) that in the event of breach of any of the above-mentioned nondiscrimination conditions, the Department shall have a right to enter or re-enter said lands and facilities on said land, and the above described land and facilities will thereon revert to and vest and become the absolute property of the U.S. Department of Transportation and its assigns as such interest existed prior to this instruction].*

(*Reverter clause and related language to be used only when it is determined that such a clause is necessary order to make clear the purpose of Title VI.)

2018

UPDATE TO ADA TRANSITION PLAN OF 2013 AND TITLE VI PLAN: NON-DISCRIMINATION IN
CITY SERVICES, PROGRAMS, & ACTIVITIES UNDER CIVIL RIGHTS ACT OF 1964

ATTACHMENT 8: CLAUSES FOR REAL PROPERTY ACQUIRED OR IMPROVED UNDER PROGRAM

CLAUSES FOR TRANSFER OF REAL PROPERTY ACQUIRED OR IMPROVED UNDER THE ACTIVITY, FACILITY, OR PROGRAM

The following clauses will be included in deeds, licenses, leases, permits, or similar instruments entered into by the City of South Bend, Indiana ("South Bend"):

- A. The (grantee, lessee, permittee, etc., as appropriate) for himself, his heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree [in the case of deeds and leases add "as a covenant running with the land"] that:
 - 1. In the event facilities are constructed, maintained, or otherwise operated on the property described in this (deed, license, lease, permit, etc.) for a purpose for which a U.S. Department of Transportation activity, facility, or program is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.) will maintain and operate such facilities and services in compliance with all requirements imposed by the Acts and Regulations, as may be amended, such that no person on the grounds of race, color, national origin, sex, age, disability, or low income will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities.

- B. With respect to licenses, leases, permits, etc., in the event of breach of any of the above nondiscrimination covenants, South Bend, Indiana will have the right to terminate the (lease, license, permit, etc.) and to enter, re-enter, and repossess said land and the facilities thereon, and hold the same as if the (lease, license, permit, etc.) had never been made or issued.*

- C. With respect to a deed, in the event of breach of any of the above nondiscrimination covenants, South Bend, Indiana shall have the right to enter or re-enter the lands and facilities thereon, and the above described lands and facilities shall thereupon revert to and vest in and become the absolute property of South Bend, Indiana and its assigns.*

The following clauses will be included in deeds, licenses, permits, or similar instruments/agreements entered into by South Bend, Indiana:

- A. The (grantee, licensee, lessee, permittee, etc., as appropriate) for himself, his heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds and leases add "as a covenant running with the land") that (1) no person on the ground of race, color, national origin, sex, age, disability, or low income shall be excluded from participation in, denied the benefits, of, or be otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over, or under such land, and the furnishing of services thereon, no person on the ground of race, color, national origin, sex, age, disability, low income, or limited English proficiency will be excluded from participation in, denied the benefits of, or

otherwise be subjected to discrimination, (3) that the (grantee, licensee, lessee, permittee, etc.) shall use the premises in compliance with all other requirements imposed by or pursuant to the Acts and Regulations, as may be amended, set forth in this Assurance.

- B. With respect to (licenses, leases, permits, etc.), in the event of breach of any of the above nondiscrimination covenants, South Bend, Indiana shall have the right to terminate the (license, lease, permit, etc., as appropriate) and to enter or re-enter and repossess said land and the facilities thereon, and hold the same as if said (license, lease, permit, etc., as appropriate) had never been made or issued.*
- C. With respect to deeds, in the event of breach of any of the above nondiscrimination covenants, South Bend, Indiana shall have the right to re-enter said land and facilities thereon, and the above described lands and facilities shall thereupon revert to and vest in and become the absolute property of South Bend, Indiana and its assigns.*

(*Reverted clause and related language to be used only when it is determined that such a clause is necessary to make clear the purpose of Title VI.)

2018

UPDATE TO ADA TRANSITION PLAN OF 2013 AND TITLE VI PLAN: NON-DISCRIMINATION IN
CITY SERVICES, PROGRAMS, & ACTIVITIES UNDER CIVIL RIGHTS ACT OF 1964

ATTACHMENT 9: CITY GRIEVANCE POLICY

**CITY OF SOUTH BEND, INDIANA
GRIEVANCE PROCEDURE UNDER
THE AMERICANS WITH DISABILITIES ACT (ADA) AND TITLE VI OF THE CIVIL
RIGHTS ACT OF 1964**

The City of South Bend, Indiana, in accordance with the Americans with Disabilities Act ("ADA") and with Title VI of the Civil Rights Act of 1964 (Title VI) has adopted this Grievance Procedure to insure prompt and equitable resolution of complaints alleging discrimination based on disability and/or on race, color national origin, sex, age, or income status and English proficiency in the provision of programs, services, benefits, or activities provided by the City of South Bend. Employment related claims of disability or other stated bases for discrimination are governed by the City's Personnel Policies. South Bend is prohibited from retaliating against any individual because he/she opposed an unlawful policy or practice, filed charges, testified, or participated in any complaint action under the ADA, Title VI, or any other non-discrimination law.

The steps in the city of South Bend's Grievance Procedure are as follows:

1. File written Complaint using South Bend's form (attached) no later than 60 calendar days after the **date of the violation**. Information must include:

- Name, address, phone number, e-mail (if applicable) of person filing the grievance.
- Name, address, phone number, e-mail (if applicable) of person alleging grievance on behalf of someone else.
- Date and approximate time violation occurred.
- Narrative description of the violation
- Remedy or desired City corrective action

The complaint should be submitted to:

ADA/Title VI Coordinator,
City of South Bend Legal Department
227 W. Jefferson Blvd., Suite 1200
South Bend, IN 46601

Alternative means of filing Complaints such as personal interviews or a tape recording of the Complaint will be made available upon request for persons with disabilities. Assistance

will also be provided for persons with limited English proficiency upon request. The South Bend ADA/Title VI Coordinator phone number is (574) 234-9241.

2. South Bend's ADA/Title VI Coordinator will acknowledge the Complaint with 21 days from date of filing. The ADA/Title VI Coordinator may meet with Complainant to discuss the Complaint and explore informal resolution to the problem.

3. If informal resolution is not reached, then within 30 days after initial response under Step 2, the ADA/Title VI Coordinator or Designee will respond in writing, and where appropriate, in a format accessible to the Complainant such as large print, or audio tape. The response will explain City's position and offer options for resolution of the Complaint.

4. If the ADA/Title VI Coordinator's response does not satisfactorily resolve the issue, the Complainant and/or his/her designee may appeal that decision. This appeal should be made to the Board of Public Works President or designee within 15 days after receipt of the response of the ADA Coordinator, and this appeal request must be made in writing.

5. The Board of Public Works President or designee shall meet with the Complainant within 15 days after receipt of the appeal to discuss the complaint and possible resolutions.

6. Within 15 days after that meeting, the Board Public Works President or designee will respond in writing, and, where appropriate, in a format accessible to the Complainant, with a final resolution of the complaint.

All written Complaints received by the ADA/Title VI Coordinator or designee or appeals to the Public Works Director or designee will be retained by the City of South Bend for a period of three years.

It is recommended that you retain a copy of your complaint form for your personal records. Please remember to SIGN YOUR COMPLAINT form.

ATTACHMENT 10: CITY GRIEVANCE FORM

**ADA/TITLE VI GRIEVANCE FORM
CITY OF SOUTH BEND, INDIANA**

Today's Date: _____

Complainant Identification (name): _____

Address: _____

City, State, Zip: _____

Telephone: _____

E-mail: _____

Individual Discriminated Against: _____
(If Different from Complainant)

Address: _____

City, State, Zip: _____

Telephone and E-mail: _____

Alleged Violation: Date(s) & Approximate Time
of Occurrence: _____

Detailed Description of Violation and City Department Involved: _____

Requested Action by City to Correct Violation: _____

Has Complaint been filed with State or Federal Agency: _____ Yes _____ No

Name of Agency: _____ Date Filed _____

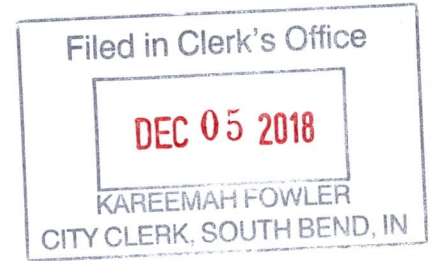
Contact Person: _____

Signature: _____

If there are witnesses, please list names and addresses separately. You may also use this space to add other information if needed.

AREA BOARD OF ZONING APPEALS

1140 County-City Building
227 W. Jefferson Boulevard
South Bend, IN 46601
www.sjcindiana.com
Phone - 574-235-9571 - Fax - 574-235-9813



December 5, 2018

Honorable Common Council
4th Floor, County-City Building
South Bend, IN 46601

RE: Special Exception Use at 1718 Marine Street

Dear Council Members:

Enclosed is an Ordinance for the proposed Special Exception Use. Please include the attached Ordinance on the Council agenda for unfinished business at your December 10th, 2018 Council meeting, and set it for public hearing at your January 14th, 2019 Council meeting. The petition is tentatively scheduled for public hearing at the December 12th, 2018 Area Board of Zoning Appeals meeting. The recommendation of the Area Board of Zoning Appeals will be forwarded to your office by noon on the day following the public hearing.

If you have any questions, please feel free to contact our office.

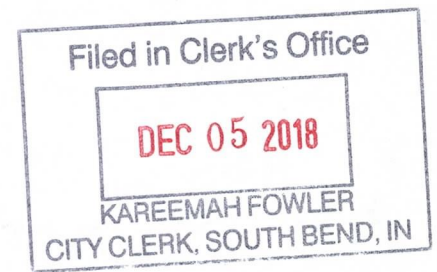
Sincerely,

A handwritten signature in black ink, appearing to be "Jordan Wyatt".

Jordan Wyatt
Planner

CC: Bob Palmer

BILL NO. 18-73
RESOLUTION NO. _____



**A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF
SOUTH BEND, INDIANA, APPROVING A PETITION OF
THE AREA BOARD OF ZONING APPEALS
FOR THE PROPERTY LOCATED AT
1718 MARINE STREET**

WHEREAS, Indiana Code Section 36-7-4-918.6, requires the Common Council to give notice pursuant to Indiana Code Section 5-14-1.5-5, of its intention to consider Petitions from the Board of Zoning Appeals for approval or disapproval; and

WHEREAS, the Common Council must take action within sixty (60) days after the Board of Zoning Appeals makes its recommendation to the Council; and

WHEREAS, the Common Council is required to make a determination in writing on such requests pursuant to Indiana Code Section 36-7-4-918.4; and

WHEREAS, the Area Board of Zoning Appeals has made a recommendation, pursuant to applicable state law.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA as follows:

SECTION I. The Common Council has provided notice of the hearing on the Petition from the Area Board of Zoning Appeals pursuant to Indiana Code Section 5-14-1.5-5, requesting that a Special Exception be granted for property located at:

1718 Marine Street

In order to permit a Two-Family Dwelling

SECTION II. Following a presentation by the Petitioner, and after proper public hearing, the Common Council hereby approves the petition of the Area Board of Zoning Appeals, a copy of which is on file in the Office of the City Clerk.

SECTION III. The Common Council of the City of South Bend, Indiana, hereby finds that:

1. The proposed use will not be injurious to the public health, safety, comfort, community moral standards, convenience or general welfare;

2. The proposed use will not injure or adversely affect the use of the adjacent area of property values therein;
3. The proposed use will be consistent with the character of the district in which it is located and the land uses authorized therein;
4. The proposed use is compatible with the recommendations of the City of South Bend Comprehensive plan;

SECTION IV. Approval is subject to the Petitioner complying with the reasonable conditions established by the Area Board of Zoning Appeals which are on file in the office of the City Clerk.

SECTION V. The Resolution shall be in full force and effect from and after its adoption by the Common Council and approval by the Mayor.

Tim Scott, Council President
South Bend Common Council

AREA BOARD OF ZONING APPEALS

1140 County-City Building
227 W. Jefferson Boulevard
South Bend, IN 46601
www.sjindiana.com
Phone - 574-235-9571 - Fax - 574-235-9813

Thursday, December 13, 2018

Common Council
227 W. Jefferson Boulevard
South Bend, IN 46601

RE: The petition of BH INVESTMENTS LLC seeking a Special Use for a two-family dwelling unit. in the SF2 Single Family & Two Family District (South Bend) for property located at 1718 S MARINE ST, City of South Bend

Dear Council Members:

I hereby Certify that the above referenced ordinance of BH INVESTMENTS LLC was legally advertised on November 29, 2018 and that the Area Board of Zoning Appeals at its public hearing on December 12, 2018 took the following action:

Upon a motion by Kathy Schuth, being seconded by Michael Urbanski and carried, a petition by BH INVESTMENTS LLC seeking a Special Use for a two-family dwelling unit. for property located at 1718 S MARINE ST, City of South Bend, was sent to the Council with a unfavorable recommendation, and will issue written Findings of Fact.

The deliberations of the Area Board of Zoning Appeals and points considered in arriving at the above decision are shown in the minutes of the public hearing, and will be forwarded to you at a later date to be made a part of this report.

Sincerely,



Lawrence P. Magliozzi, Executive Director

Attachment

CC: BH INVESTMENTS LLC

FINDINGS OF FACT

BH INVESTMENTS LLC
1718 S MARINE ST
City of South Bend

On Wednesday, December 12, 2018, the Area Board of Zoning Appeals forwarded a petition for a two-family dwelling unit. to the Council with a unfavorable recommendation.

- (1) The Proposed use will not be injurious to the public health, safety, comfort, community moral standards, convenience or general welfare:
 Provided the development meets all the building, fire safety, and parking regulations, it should not affect the public health, safety, or general welfare of the community.
- (2) The proposed use will not injure or adversely affect the use of the adjacent area or property values:
 The proposed use would convert an existing single family home to a duplex, which could affect surround property values.
- (3) The proposed use will be consistent with the character of the district in which it is located and the land use authorized therein:
 The proposed two-family dwelling is inconsistent with the character of the single-family neighborhood.
- (4) The proposed use is compatible with the recommendations of the Comprehensive Plan.
 The proposed two-family rental dwelling unit is inconsistent with the City Plan, South Bend Comprehensive Plan (November 2006): Objective H8: Promote homeownership within the city limits.

Roll Call:

Brendan Crumlish - Yes	Kathy Schuth - Yes
Robert Hawley - Yes	Michael Urbanski - Yes
John Leszczynski - Yes	Jack Young - Yes
Randy Matthys - Absent	

The Minutes of the December 12, 2018 meeting of the Area Board of Zoning Appeals are hereby incorporated by reference herein.

Adopted by the Area Board of Zoning Appeals of St. Joseph County, Indiana, on this 9th day of January, 2019

Brendan Crumlish, Chairman
Area Board of Zoning Appeals
St. Joseph County, Indiana

ATTEST:

Lawrence P. Magliozzi, Executive Director

1316 COUNTY-CITY BUILDING
227 W. JEFFERSON BOULEVARD
SOUTH BEND, INDIANA 46601-1830



BILL NO. 01-19

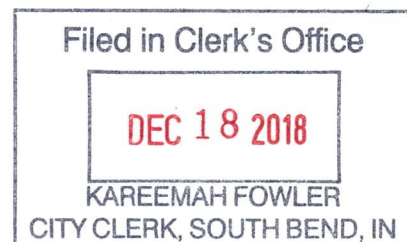
PHONE 574/235-9251
FAX 574/235-9171

CITY OF SOUTH BEND PETE BUTTIGIEG, MAYOR

BOARD OF PUBLIC WORKS

November 13, 2018

Willie Rogers
1033 W. Bryan Street
South Bend, IN 46616



RE: Alley Vacation – North/South Alley North of Bryan St., South of Culver St., to first East/West Alley (Preliminary Review)

Dear Mr. Rogers:

The Board of Public Works, at its November 13, 2018, meeting, reviewed comments by the Engineering Division, Area Plan Commission, Community Investment, Fire Department, and the Street Department.

Community Investment stated you should be informed the vacation condition will result in a split of the 14' right-of-way and you would only acquire half, which would not be sufficient for driveway access or vehicle parking. You will need an Access Agreement with your neighbor to allow you to use the alley as a driveway.

The Fire Department stated, per IC 36-7-3-13, the vacation would make access to the lands of the aggrieved person by means of public way difficult or inconvenient due to the water supply for structure fires being at the cross alley.

Therefore, the Board of Public Works submitted a favorable recommendation for the vacation of this alley.

Please contact Donna Hanson at (574) 235-9254 prior to picking up your radius map. You will need a radius map showing properties within 150' of the proposed vacation for your petition to the Common Council. Once you pick up the radius map, proceed to the City Clerk's office for your alley vacation packet.

Sincerely,


Linda M. Martin, Clerk

DEC 18 2018

KAREEMAH FOWLER
CITY CLERK, SOUTH BEND, IN

BILL NO. 01-19

ORDINANCE NO. _____

AN ORDINANCE TO VACATE THE FOLLOWING DESCRIBED PROPERTY:

NORTH/SOUTH ALLEY 14' IN WIDTH RUNNING NORTH APPROXIMATELY 130' FROM
NORTH RIGHT OF WAY OF BRYAN STREET TO EAST/WEST ALLEY

STATEMENT OF PURPOSE AND INTENT

Pursuant to Indiana Code Section 36-7-3-12, the Common Council is charged with the authority to hear all petitions to vacate public ways or public places within the City. The following Ordinance vacates the above described public property.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, as follows:

SECTION I. The Common Council of the City of South Bend having held a Public Hearing on the petition to vacate the following property:

*NORTH/SOUTH ALLEY 14' IN WIDTH RUNNING NORTH APPROXADMEY 130' FROM NORTH
RIGHT OF WAY OF BRYAN STREET TO EAST/WEST ALLEY, BEING THE ONLY
NORTH/SOUTH ALLEY BETWEEN SHERMAN AVENUE AND INGLEWOOD PLACE*

hereby determines that it is desirable to vacate said property.

SECTION II. The City of South Bend hereby reserves the rights and easements of all utilities and the Municipal City of South Bend, Indiana, to construct and maintain any facilities, including, but not limited to, the following: electric, telephone, gas, water, sewer, surface water control structures and ditches, within the vacated right-of-way, unless such rights are released by the individual utilities.

SECTION III. The following property may be injuriously or beneficially affected by such vacating:

018-2143-5371 018-2142-5324 018-2142-5334 018-2139-5199

SECTION IV. The purpose of the vacation of the real property is to vacate that portion of the all of the Public Alley in the described area to allow for the safer use of the adjacent properties.

SECTION V. This ordinance shall be in full force and effect from and after its Passage by the Common Council and approval by the Mayor.

Tim Scott, Council President
South Bend Common Council

Attest:

Kareemah N. Fowler, City Clerk
Office of the City Clerk

Presented by me to the Mayor of the City of South Bend, Indiana on the _____ day of _____, 2019, at _____ o'clock _____. m.

Kareemah N. Fowler, City Clerk
Office of the City Clerk

Approved and signed by me on the _____ day of _____, 2019, at _____ o'clock _____. m.

Peter Buttigieg, Mayor
City of South Bend, Indiana



City of South Bend
 Dept. of Public Works
 227 W Jefferson Blvd. #1316
 South Bend, IN 46601
 Phone: (574) 235-9251

 150' Buffer
 *Address List attached

Date Prepared: 12/3/2018 DCH

Alley Vacation 150' Radius Map Willie J. Rogers

Alley to be vacated is the North/South alley 14' in width running North approx. 130' from N right of way of Bryan Street to East/West alley, being the only North/South alley between Sherman Avenue and Inglewood Place.



Filed in Clerk's Office
DEC 18 2018
 KAREEMAH FOWLER
 CITY CLERK, SOUTH BEND, IN

SOUTH BEND COMMON COUNCIL

PETITION TO VACATE PUBLIC RIGHTS-OF-WAY (STREETS/ALLEY)

DATE: 12/11/2018

To the Common Council of the City of South Bend, Indiana. I (we), the undersigned property owner(s), petition you to vacate:

1. THE ALLEY DESCRIBED AS:

Vacated alley between 1101 + 1033
W. Bryan Street

2. THE STREET DESCRIBED AS:

East/West Alley being the only North/South
Alley between Sherman Ave and Inglenood Place

Abutting Property Owner(s) Signatures:

Name (print):	Signature	Address	Lot Number
1.			
2.			
3.			

455 County-City Building • 227 W. Jefferson Boulevard • South Bend, Indiana 46601
 Phone 574-235-9221 • Fax 574-235-9173 • TDD 574-235-5567 • www.SouthBendIN.gov

JENNIFER M. COFFMAN
 CHIEF DEPUTY/ DIRECTOR OF
 OPERATIONS

BIANCA L. TIRADO
 DEPUTY/ DIRECTOR OF POLICY

JOSEPH R. MOLNAR
 ORDINANCE VIOLATION CLERK

Name/Owner	mailing add	city	st	zip	parcelid	prop addr	prop city	prop state	prop zip
MOORE JOHN	60904 Ash Rd	Osceola	IN	46561	018-2143-5365	1109 BRYAN ST	SOUTH BEND	IN	46616
CRYSTAL BAY BUILDERS INC	2537 Grape Rd	Mishawaka	IN	46545	018-2143-5366	1105 BRYAN ST	SOUTH BEND	IN	46616
AMIT TAL	1920 Ridgedale Rd	South Bend	IN	46614	018-2143-5367	1101 BRYAN ST	SOUTH BEND	IN	46616
ROGERS WILLIE	1033 W Bryan St	South Bend	IN	46616	018-2143-5368	1033 BRYAN ST	SOUTH BEND	IN	46616
PALOMAR NEUROSURGERY CENTER 401 (K) PROFIT SHARING PLAN AND TRUST	9921 Carmel Mountain Rd, #122	San Diego	CA	92129	018-2143-5369	1029 BRYAN ST	SOUTH BEND	IN	46616
ZIMMERMAN SORA	6320 N Whipple St	Chicago	IL	60659	018-2143-5370	1025 BRYAN ST	SOUTH BEND	IN	46616
MEDRANO PEGGY	1021 W Bryan St	South Bend	IN	46616	018-2143-5371	1021 BRYAN ST	SOUTH BEND	IN	46616
GREENWORLD LINK LLC	16380 Thrush St	Granger	IN	46530	018-2142-5320	1114 BRYAN ST	SOUTH BEND	IN	46616
BANK OF NEW YORK TRUST CO NA AS SUCCESSOR	500 Enterprise Rd Ste 150	Horsham	PA	19044	018-2142-5322	1110 BRYAN ST	SOUTH BEND	IN	46616
MILLER TODD	10440 Lindwood Ct	Osceola	IN	46561	018-2142-5324	1106 BRYAN ST	SOUTH BEND	IN	46616
RL BRYAN LLC	16001 S 108th Ave	Orland Park	IL	60467	018-2142-5326	1102 BRYAN ST	SOUTH BEND	IN	46616
TADDEO HOLDINGS LLC	2537 Grape Rd	Mishawaka	IN	46545	018-2142-5328	1034 BRYAN ST	SOUTH BEND	IN	46616
ALLCOACH PROPERTIES LLC	14597 CR 40	Goshen	IN	46528	018-2142-5330	1030 BRYAN ST	SOUTH BEND	IN	46616
SEIYA ASSETS LLC	923 N Hill	South Bend	IN	46617	018-2142-5332	1026 BRYAN ST	SOUTH BEND	IN	46616
FREYER PATRICE ANNETTE	1022 W Bryan St	South Bend	IN	46616	018-2142-5334	1022 BRYAN ST	SOUTH BEND	IN	46616
MOORE JOHN M	60904 Ash Rd	Osceola	IN	46561	018-2143-5364	1113 BRYAN ST	SOUTH BEND	IN	46616
NEGRI JOHN	1026 Culver Pl	South Bend	IN	46616	018-2139-5199	1026 W CULVER PL	SOUTH BEND	IN	46616
JESTER BRIAN SCOTT & SHERRI R JT W/ROS	1022 Culver Place	South Bend	IN	46616	018-2139-5200	1022 W CULVER PL	SOUTH BEND	IN	46616
GONZALES JOHNATHAN C & SABRINA M	2020 SW Winthrop Ave	Portland	OR	97225	018-2139-5197	1038 W CULVER PL	SOUTH BEND	IN	46616
GREEN LAUREN	1034 Culver Pl	South Bend	IN	46616	018-2139-5198	1034 W CULVER PL	SOUTH BEND	IN	46616
GARD REX A	1042 Culver Pl	South Bend	IN	46616	018-2139-5195	1042 W CULVER PL	SOUTH BEND	IN	46616
TRENT TIANDRA	1106 Culver Place	South Bend	IN	46616	018-2139-5192	1106 W CULVER PL	SOUTH BEND	IN	46616
ZALAS ERVIN S JR AND JUDY	710 N Brookfield St, c/o Riverbend Boiler Repair	South Bend	IN	46628	018-2139-5194	1046 W CULVER PL	SOUTH BEND	IN	46616

Filed in Clerk's Office
DEC 18 2018
 KAREEMAH FOWLER
 CITY CLERK, SOUTH BEND, IN



AREA PLAN COMMISSION OF ST. JOSEPH COUNTY, IN

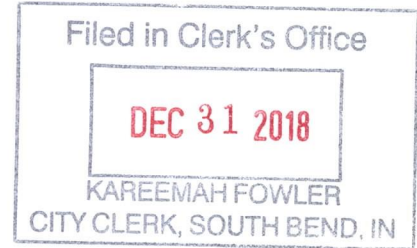
LAWRENCE P. MAGLIOZZI
EXECUTIVE DIRECTOR

Angela M. Smith
Deputy Director

227 W. JEFFERSON BLVD., ROOM 1140 COUNTY-CITY BUILDING, SOUTH BEND, INDIANA 46601 (574) 235-9571

December 31, 2018

Honorable Common Council
4th Floor, County-City Building
South Bend, IN 46601



RE: 2307 Edison Road
APC# 2887-18

Dear Council Members:

Enclosed is an Ordinance for the proposed Zoning Ordinance Amendment. Please include the attached Ordinance on the Council agenda for first reading at your January 14th, 2019 Council meeting, and set it for public hearing at your February 25th, 2019 Council meeting. The petition is tentatively scheduled for public hearing at the February 19th, 2018 Area Plan Commission meeting. The recommendation of the Area Plan Commission will be forwarded to your office by noon on the day following the public hearing.

If you have any questions, please feel free to contact our office.

Sincerely,

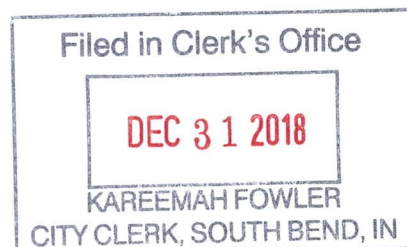
A handwritten signature in black ink, appearing to read "Jordan Wyatt".

Jordan Wyatt
Planner

CC: Bob Palmer

BILL NO. 02-19

ORDINANCE NO. _____



AN ORDINANCE AMENDING THE ZONING ORDINANCE FOR PROPERTY LOCATED AT 2307 EDISON ROAD, COUNCILMANIC DISTRICT NO. 4 IN THE CITY OF SOUTH BEND, INDIANA

STATEMENT OF PURPOSE AND INTENT

NOW THEREFORE BE IT ORDAINED by the Common Council of the City of South Bend, Indiana as follows:

SECTION 1. Ordinance No. 9495-04, is amended, which ordinance is commonly known as the Zoning Ordinance of the City of South Bend, Indiana, be and the same hereby is amended in order that the zoning classification of the following described real estate in the City of South Bend, St. Joseph County, State of Indiana:

A part of the Southwest Quarter of Section 32, Township 38 North, Range 3 East, St. Joseph County, Indiana, more particularly described as follows:

Beginning at a point 40.00 feet North and 140 feet east of the Southwest Corner of Section 32; thence North parallel with the West line of said Section 180.00 feet; thence East parallel with the South line of said Section 85.00 feet; thence South parallel with the West line of said Section 180.00 feet to the Northern boundary 85.00 feet to the point of beginning.

Containing 0.351 acres more or less.

be and the same is hereby established as MU Mixed Use District.

SECTION II.

This ordinance is and shall be subject to commitments as provided by Chapter 21-09.02(d) Commitments, if applicable.

SECTION III. This ordinance shall be in full force and effect from and after its passage by the Common Council, approval by the Mayor, legal publication, and full execution of any conditions or Commitments placed upon the approval.

Tim Scott, Council President
South Bend Common Council

Attest:

Kareemah N. Fowler, City Clerk
Office of the City Clerk

Presented by me, the undersigned Clerk of the City of South Bend, to the Mayor of the City of South Bend, Indiana on the _____ day of _____, 2019, at _____ o'clock ____ . m.

Kareemah N. Fowler, City Clerk
Office of the City Clerk

Approved and signed by me on the _____ day of _____, 2019, at ____ o'clock ____ .m.

Pete Buttigieg, Mayor
City of South Bend, Indiana

PETITION FOR ZONE MAP AMENDMENT
City of South Bend, Indiana

I (we) the undersigned make application to the City of South Bend Common Council to amend the zoning ordinance as herein requested.

1) The property sought to be rezoned is located at:

*2307 Edison Road
South Bend In. 46617*

2) The property Tax Key Number(s) is/are: *Enter property tax key number(s)*

3) Legal Descriptions: *A part of the southwest quarter of section 32 Township 38 North Range 3 east described as follow: Beginning on the northern Boundry of Edison Rd, North 40.00 Feet and East 140.00 Ft From the southwest corner of said section : Thence north parallel with the west line of said section 180.00 feet. thence east parallel with the south line of said section 85.00 Feet: Thence south parallel with the west line of said section 180.00 Feet. to the northern boundry of Edison Rd. Thence west along said northern boundry 85.00 Feet to the point of beginning and containing 0.351 acres more or less in St. joseph County, Indiana*

4) Total Site Area: *0.351 acres*

5) Name and address of property owner(s) of the petition site:

*Beach House LLC
18512 Summer Wind Lane
South Bend IN 46637
781-844-7248
Len.bhllc@gmail.com*

Name and address of additional property owners, if applicable:

6) Name and address of contingent purchaser(s), if applicable:

*Name
Address
City, State Zip Code
Phone number with Area Code
E-Mail Address*

Name and address of additional property owners, if applicable:

7) It is desired and requested that this property be rezoned:

From: *LB Local Business District* Additional zoning district, if applicable

To: *MU Mixed Use District*

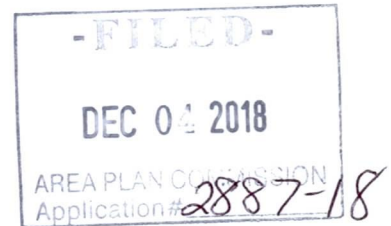
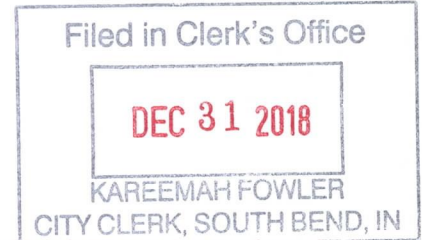
8) This rezoning is requested to allow the following use(s): *Retail , Office , Residential*

IF VARIANCE(S) ARE BEING REQUESTED (if not, please skip to next section):

1) *List each variance being requested. Contact Commission Staff if you need assistance with wording.*

2) A statement on how each of the following standards for the granting of variances is met:

(a) The approval will not be injurious to the public health, safety, morals and general welfare of the community: *Please explain how your variance petition addresses this criteria*



- (b) The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner; and: *Please explain how your variance petition addresses this criteria*
- (c) The strict application of the terms of this Ordinance would result in practical difficulties in the use of the property: *Please explain how your variance petition addresses this criteria*

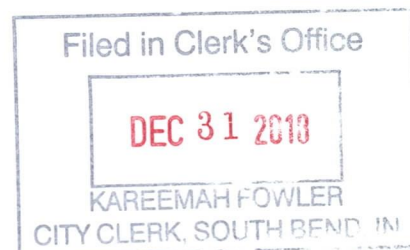
IF A SPECIAL EXCEPTION USE IS BEING REQUESTED, (if not, please skip to next section):

- 1) The Special Exception Use(s) being requested: *Insert text*
- 2) A statement on how each of the following standards for the granting of a Special Exception Use is met:
 - (a) The proposed *use* will not be injurious to the public health, safety, comfort, community moral standards, convenience or general welfare: *Please explain how your Special Exception Use petition addresses this criteria*
 - (b) The proposed *use* will not injure or adversely affect the *use* of the adjacent area or property values therein: *Please explain how your Special Exception Use petition addresses this criteria*
 - (c) The proposed *use* will be consistent with the character of the *district* in which it is located and the land uses authorized therein; and: *Please explain how your Special Exception Use petition addresses this criteria*
 - (d) The proposed use is compatible with the recommendations of the Comprehensive Plan. *Please explain how your Special Exception Use petition addresses this criteria*

* In the case of a Special Exception Use, the petitioner shall be held to the representations made on the Preliminary Site Plan included with this petition.

CONTACT PERSON:

*Leonard Connaughton
18512 Summer Wind Lane
South Bend IN 46637
781-844-7248
Len.bhllc@gmail.com*

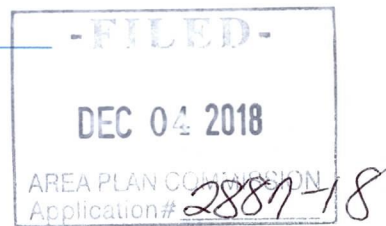


BY SIGNING THIS PETITION, THE PETITIONERS/PROPERTY OWNERS OF THE ABOVE-DESCRIBED REAL ESTATE AUTHORIZE THAT THE CONTACT PERSON LISTED ABOVE MAY REPRESENT THIS PETITION BEFORE THE AREA PLAN COMMISSION AND COMMON COUNCIL AND TO ANSWER ANY AND ALL QUESTIONS THEREON.

Signature(s) of all property owner(s), or signature of Attorney for all property owner(s):

[Handwritten Signature]

 BEACH HOUSE LLC



DATE: 12/18

SCALE: 0 5 10 20 30 40 50

DRAWING LEGEND:

SYMBOL	DESCRIPTION
(Symbol)	EXISTING DRIVE WALK
(Symbol)	EXISTING SIDE WALK
(Symbol)	EXISTING WATER VALVE
(Symbol)	EXISTING ELECTRICAL UTILITY POLE
(Symbol)	NEW ELECTRICAL METE
(Symbol)	ELECTRICAL SERVICE
(Symbol)	EXISTING SIDEWALK

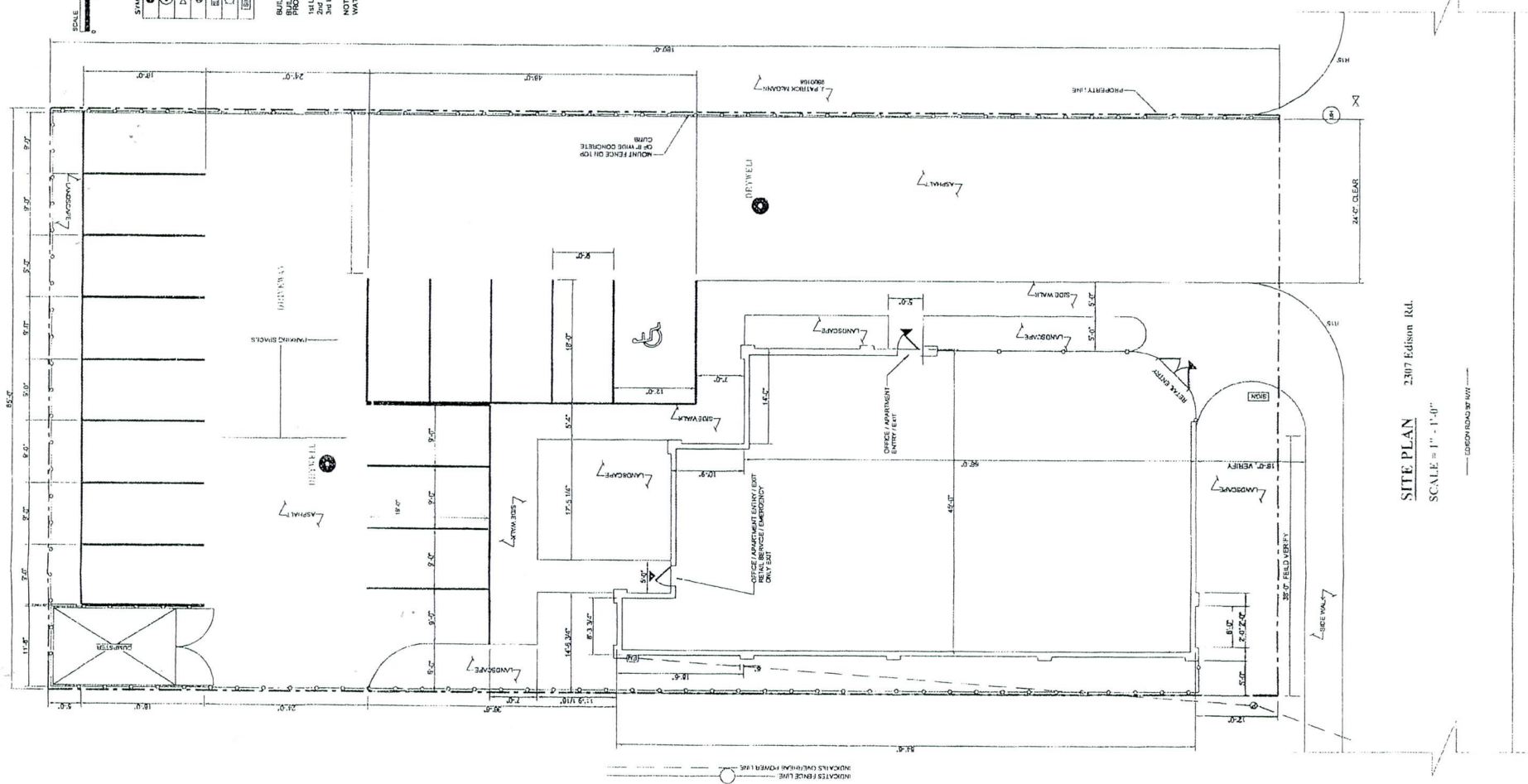
BUILDING GROSS AREA: 10,200
 1ST LEVEL: RETAIL
 2ND LEVEL: OFFICES
 3RD LEVEL: ONE APARTMENT

NOTES: THIS BUILDING SHALL BE CONNECTED TO EXISTING PUBLIC WATER AND SEWER.

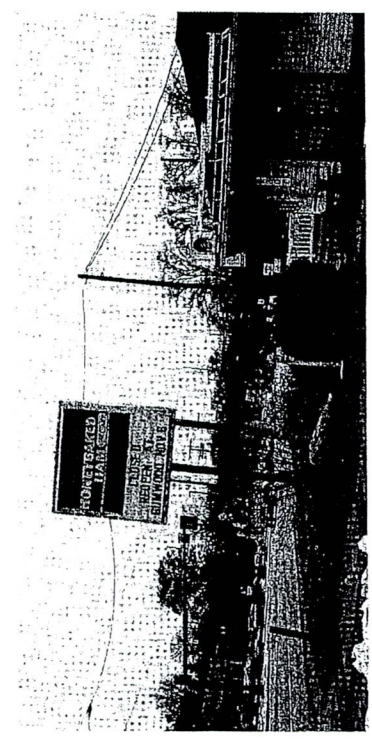
Filed in Clerk's Office
DEC 31 2018
 KAREEMAH FOWLER
 CITY CLERK, SOUTH BEACH, FL

RECEIVED
DEC 06 2018
 AN COMMUNICATIONS
 Division # 2887-19

DEVELOPED BY: BEACH HOUSE, LLC
 OWNER: PATRICK CONNAUGHTON
 ARCHITECT: RAYMOND ENFIELD
 ENGINEER: KEVIN M. FINN, P.E., INC.
 DATE: DECEMBER 2, 2018



SITE PLAN 2307 Edison Rd.
 SCALE = 1" = 1'-0"



2307 EDISON ROAD
 SUBJECT: HYDRAULIC DRAINAGE CALCULATION
 THIS IS A CALCULATION FOR DRAINAGE TO ASSURE COMPLIANCE TO INDUSTRY PRACTICES OF PRACTICE.

DESIGNER: KEVIN M. FINN, P.E., INC.
 1555 S.W. 15TH AVENUE, SUITE 100
 MIAMI, FL 33135

DATE: 12/18/18

REVISIONS:

NO.	DESCRIPTION
1	ISSUED FOR PERMITS

NOTES:
 1. ALL DIMENSIONS ARE IN FEET AND INCHES.
 2. ALL DIMENSIONS SHALL BE TO FACE UNLESS OTHERWISE NOTED.
 3. ALL DIMENSIONS SHALL BE TO FACE UNLESS OTHERWISE NOTED.
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 9. ALL DIMENSIONS SHALL BE TO FACE UNLESS OTHERWISE NOTED.
 10. ALL DIMENSIONS SHALL BE TO FACE UNLESS OTHERWISE NOTED.

1300 COUNTY-CITY BUILDING
227 W. JEFFERSON BOULEVARD
SOUTH BEND, INDIANA 46601-1830



PHONE 574/ 235-9486
FAX 574/ 235-7703

CITY OF SOUTH BEND PETE BUTTIGIEG, MAYOR
DEPARTMENT OF CODE ENFORCEMENT

South Bend Common Council
County-City Building
227 W. Jefferson Blvd
South Bend, IN 46601

RE: New Article 14 to Chapter 6 of the South Bend Municipal Code: Rental Safety Verification Program

Dear Council Members:

To promote the well-being of our community, preserve existing rental housing stock, and ensure rental housing remains a safe and desirable housing option for residents, the Department, pursuant to IC 36-1-20-4.1, has enclosed a proposed ordinance which would add a new Article 14 to Chapter 6 (Building): Rental Safety Verification Program or "RSVP." RSVP is intended to protect public health, safety, and welfare in rental units by verifying minimum property standards for occupancy. The most effective way to seek compliance with minimum property standards is through routine, periodic inspections of rental housing properties.

An estimated 16,000 units of rental housing exist within South Bend City limits. Substandard housing conditions have been shown to be responsible for a range of significant and costly health problems, including asthma, child lead poisoning, and increased rates of injury and mortality. Information from our community partners, Code Enforcement, and Census data suggest the presence of home hazards in the City that compromise safety and habitability.

Proactive rental inspection is a benefit to tenants and landlords. The RSVP program will help landlords identify problems early before they become costly repairs. The program also provides an extra tool to distinguish higher-quality properties in the housing market. The City will continue to investigate complaints from occupants. The RSVP program supplements current Code services for renters by reducing barriers to Code assistance by scheduling periodic inspections that address health and safety concerns directly with property owners. Proactive rental inspection programs can safeguard against properties becoming blighted, thereby preserving neighborhoods. Establishing the RSVP program will help to ensure that all persons who live in rental housing units are provided decent, safe and sanitary housing.

The RSVP program intends to inspect 20% of rental housing within the first three years of implementation. The program will follow a geographic phase-in process prioritizing Census tracts that show evaluated concern for public health and safety. The Department is ready to begin the program upon passage and we are prepared to share our implementation and monitoring plans.

I will present this ordinance to the Council at its Committee meeting and at its regular meeting for second and third reading, and I will be accompanied by Assistant City Attorney Thomas Panowicz who will address any legal issues that may arise.

This ordinance is sponsored by Council Members President Tim Scott, Vice President Karen White, Jo M. Broden, and Regina Williams-Preston.

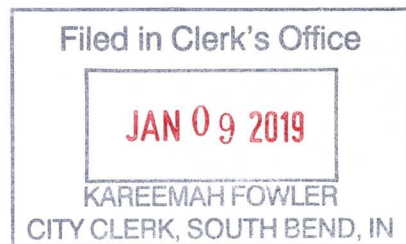
Sincerely,

Tracy Skibins
Director, Code Enforcement

Filed in Clerk's Office
JAN 09 2019
KAREEMAH FOWLER
CITY CLERK, SOUTH BEND, IN

Bill NO. 03-19

ORDINANCE NO. _____



**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND,
INDIANA, AMENDING CHAPTER SIX OF THE SOUTH BEND MUNICIPAL CODE
BY ADDING A NEW ARTICLE 14 TITLED RENTAL SAFETY VERIFICATION
PROGRAM**

STATEMENT OF PURPOSE AND INTENT

The rental safety verification program is established to protect the public health, safety, and welfare in rental units by encouraging quality rental housing stock in the City of South Bend through inspections to verify minimum property standards for occupancy.

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of South Bend, Indiana, as follows:

SECTION I. Chapter 6 of the South Bend Municipal Code shall be and hereby is amended to include a new Article 14 that shall read in its entirety as follows:

ARTICLE 14. Rental Safety Verification Program

Sec. 6-79. General Concept and Purpose of Rental Inspections.

- (a) The Rental Safety Verification Program requires an occupancy inspection of all real property or rental units that are intended to be occupied or are occupied by anyone other than the owner. This program is designed to ensure all City of South Bend rental units meet the minimum property standards of the International Property Maintenance Code, the International Residential Code, the Municipal Code of the City of South Bend, and the Indiana Unsafe Building Law which are incorporated into this Article 14 without formal citation.
- (b) Once the rental unit has been inspected with an Inspection Report and approved for occupancy, an Inspection Certificate shall be issued by the Department authorizing the rental unit to be occupied.
- (c) The purpose of the Inspection Report and Inspection Certificate issued to the owner or the property manager (if applicable) is to verify that the rental unit is safe and habitable for occupancy with respect to: electrical systems, plumbing systems, water and sanitary system, including hot water, heating and ventilation systems, bathroom, toilet facilities, doors, windows, stairways, hallways, functioning smoke detectors, lead hazards, indoor air quality, and the overall structure in which a rental unit is established.

- (d) This Article shall be liberally construed and applied to promote its purpose and intent.
- (e) To assist the Department, as well as owners, with the first-time implementation of the regulations under this article, the Rental Safety Verification Program may have an initial phase-in period of four (4) months.

Sec. 6-80. Definitions.

- (a) *Bedroom* means any room or space used or intended to be used for sleeping purposes in either a dwelling or sleeping unit.
- (b) *City* means the City of South Bend, Indiana.
- (c) *Code* means the property standards pursuant to the International Property Maintenance Code, the International Residential Code, the Municipal Code of the City of South Bend, and the Indiana Unsafe Building Law
- (d) *Code Inspector* means an employee of the Department who is charged with the administration and enforcement of this Article.
- (e) *Condemn* means to adjudge unfit for occupancy.
- (f) *Condemned with conditions* means that as to a unit unfit for occupancy, the owner, or agent of owner, may enter the property from 7:00 AM to 7:00 PM to make all the required repairs.
- (g) *Contract of Sale* means land contract sales or purchases.
- (h) *Department* means the City of South Bend Department of Code Enforcement.
- (i) *Dwelling unit* means a single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation. Examples include but are not limited to apartments, single family homes and multi-family homes.
- (j) *Egress* means a place or means of going out or exiting.
- (k) *Director* means the Director of the Department of Code Enforcement for the City or that person's designee, or in the Director's absence the Deputy Director.
- (l) *Group home* means a community home where a small number of unrelated people in need of specialized care, support, or supervision can live together with support and services by trained caregivers.
- (m) *Habitable space* means the space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces, attics and basements and similar areas are not considered habitable spaces. Finished basements are not considered habitable spaces unless proper egress requirements are met.
- (n) *Indiana Unsafe Building Law* means Indiana Code, Title 36, Article 7, Chapter 9, as it may be amended.
- (o) *Inspection Certificate* means a certificate issued by the Department, after all fees and penalties due under this Article are paid, that documents that the rental unit has passed the Inspection Report and authorizes the occupancy of the rental unit as compliant with the provisions of this Article.
- (p) *Inspection Cycle* means the period between the issuance and expiration of an Inspection Certificate as may be determined under the provisions of this Article.
- (q) *Inspection Report* means a report that an Code Inspector prepares after conducting a visual examination of a rental unit, including all its major systems, to verify existence of, and list repairs or improvements necessary to meet minimum property standards for occupancy as referenced in Sec. 6-79.

- (r) *Inspection Warrant* means the court authorization to enter a rental unit and complete an Inspection Report that the Director may obtain if the owner or those in possession of a rental unit refuse entry.
- (s) *International Property Maintenance Code (IPMC)* is a model code that regulates the minimum maintenance requirements for existing buildings. The IPMC is a maintenance document intended to establish minimum maintenance standards, such as for basic equipment, light, ventilation, heating, sanitation and fire safety.
- (t) *Occupancy* means the purpose for which a building or portion thereof is utilized or occupied.
- (u) *Occupant* means any individual living or sleeping or having possession of a space within a rental unit.
- (v) *Off-Cycle Inspection* means an Inspection Report conducted based upon a reasonable belief of noncompliance or a complaint.
- (w) *Operator* means any person who has charge, care or control of a structure or rental unit which is let or offered for occupancy.
- (x) *Owner* means any person, operator or agent thereof having legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control over decisions on the use and condition of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person.
- (y) *Owner of Record* means any person who holds any fee interest, life estate interest, or equitable interest of a contract purchaser and whose identity can be determined from an instrument recorded in the recorder's office of the county where the rental unit is located; or, written information or actual knowledge received by the Department; or a review of Department records that is sufficient to identify information that is reasonably ascertainable.
- (z) *Person* means an individual, corporation, partnership or association, or any other group acting as a unit, and includes a government, governmental subdivision or agency, business trust, estate, trust, two or more people having a joint or common interest, and any other legal or commercial entity.
- (aa) *Premises* means a lot, plot or parcel of land, easement or public way, including any structures thereon.
- (bb) *Private Inspector* means, for purposes of IC 36-1-20-4.1(c)(2)(B)(iii), an inspector of rental units who satisfies the following qualifications prescribed by the City: must be a State of Indiana Licensed Home Inspector.
- (cc) *Private Inspection* means an inspection conducted for the purposes of meeting the exemption requirements under IC 36-1-20-4.1(c).
- (dd) *Re-Inspection* means a follow up inspection or assessment of a rental unit to check for completion of repairs or compliance pursuant to an Inspection Report.
- (ee) *Rental unit* means as used in this Article one (1) or more dwelling units in a structure intended to be occupied or is occupied as a home, residence or habitable space by anyone other than the owner and may include a tenancy agreement or lease.
- (ff) *Rental unit community* means one (1) or more parcels of contiguous real property upon which are located in one (1) or more structures containing rental units, if the combined total of all rental units in all of the structures is five (5) or more rental units and the rental units are not occupied solely by the owner or owner's family.
- (gg) *Revocation of Inspection Certificate* means the Department canceling an issued Inspection Certificate whenever it discovers that such certificate was issued in error or based on incorrect

information, or discovers other causes demonstrating a lack of compliance with the provisions of this Article.

- (hh) *Smoke detector* means a device which senses visible or invisible particles of combustion and conforms to the minimum standards for type, components, and maintenance prescribed by the National Fire Protection Association.
- (ii) *Structure* means that which is built or constructed or a portion thereof.
- (jj) *Tenancy Agreement* means all agreements, written, oral or implied, and valid rules and regulations embodying the terms and conditions concerning the use and occupancy of a rental unit.
- (kk) *Tenant* means a person who occupies a rental unit for residential purposes with the landlord's consent and may include monetary or other legal consideration that is agreed upon by both parties.
- (ll) *Transient Occupancy* means an occupancy which is less than two weeks duration in the same or similar units owned by the same owner.

Sec. 6-81. Compliance required.

- (a) No person shall maintain, or allow occupancy of, a rental unit in the City without compliance with the provisions of this Article. Failure to comply with the provisions is a violation of this Article. Any structure converted into a rental unit must have an Inspection Report completed and receive an Inspection Certificate before occupancy.
- (b) The provisions in this Article shall not be construed to prevent the enforcement of other ordinances or regulations which prescribe stricter standards than are provided herein.
- (c) This Article applies to rental units located within the City, but shall not apply to the following occupancy arrangements unless such arrangements are created to avoid the application of this Article:
 - (1) Occupancy in group homes.
 - (2) Occupancy by the purchaser of a dwelling unit under a recorded contract of sale.
 - (3) Transient occupancy.
 - (4) Owners who occupy the premises and rent to no more than two unrelated occupants.
- (d) This Article does not apply to rental units built as new construction for ten (10) years after the rental unit construction is completed. The owner of such rental unit must submit to the Department the required information to prove the new construction date of the rental unit.
- (e) This Article applies to governmental or public agencies acting as landlords. If the federal or state subsidized, or owned rental units are regularly inspected by a government entity and verification of housing conditions meeting the standards of this Article are delivered to the Department as requested, then such rental units may qualify for an exemption as provided in sub-section 6-82(n).
- (f) An owner shall not allow a rental unit to be occupied that has been issued a vacate and seal order by the Department or is condemned by any agency that has the authority to condemn.

Sec. 6-82. Inspection of rental units.

- (a) Unless sub-section 6-82 (n) below is applicable, each rental unit covered by Secs. 6-79 and 6-81 within the City shall be inspected by the Department.

(b) At the start of the Rental Safety Verification Program, the initial inspection cycle will be one, two, four, or five years. Thereafter, the inspection cycles are subject to adjustment as established and published by the Department pursuant to Sec. 6-87.

(c) Inspection cycle certification paths are as follows:

Inspection	Certification Path
Initial Inspection – <i>Passes & Initiated Contact with the Department for Initial Inspection</i>	<p>Single-family property or duplex will be issued a five-year inspection certificate.</p> <p>Multi-family property will be issued a five-year inspection certificate.</p> <p>Rental units qualifying for a five-year inspection certificate are potentially eligible for a self-certification program that may be implemented by the Department.</p>
Initial Inspection – <i>Passes</i>	<p>Single-family property or duplex will be issued a four-year inspection certificate.</p> <p>Multi-family property will be issued a four-year inspection certificate.</p> <p>Rental units qualifying for a four-year inspection certificate are potentially eligible for a self-certification program that may be implemented by the Department.</p>
Initial Inspection – <i>Fails</i>	<p>Re-inspection must be conducted within no later than sixty (60) business days.</p> <p>No fees are imposed for first re-inspection.</p> <p>Single-family property or duplex upon passage of the first re-inspection will result in a four-year inspection certificate.</p> <p>Multi-family property upon passage of the first re-inspection will result in a four-year inspection certificate.</p>
Additional Re-Inspection(s) – <i>Fails</i>	<p>Re-inspection(s) must be conducted within no later than sixty (60) business days.</p> <p>Fees begin to accrue. See Penalties and Fees section in this Article.</p> <p>The Code Inspector may issue penalties and the property may be subject to further enforcement, up to and including a hearing, pursuant to the Indiana Unsafe Building Law.</p>

	<p>Single-family property or duplex upon passage of a subsequent re-inspection will result in a one-year inspection certificate.</p> <p>Multi-family property upon passage of a subsequent re-inspection will result in a two-year inspection certificate.</p>
Defective Paint Conditions	For rental units built before 1978 with deteriorated surfaces exceeding two square feet per room or greater than 10% of the structure, owners must submit a lead clearance report by a credentialed lead inspection service and pass the Inspection Report before being issued an Inspection Certificate.

- (d) If a rental unit community has ten (10) or fewer units, Code Inspectors will inspect every unit. Rental unit communities with eleven (11) or more units will have a percentage (between 10-20%) of the units randomly sampled by the Code Inspector to inspect and then use those findings to extrapolate the overall quality and condition of the rental units therein.
- (1) If the findings extrapolated indicate to the Code Inspector overall substandard conditions of the rental units or such violations that could affect other rental units, the Code Inspector may complete Inspection Reports for additional units as deemed necessary.
- (e) In conjunction with the Inspection Report, and to receive the Inspection Certificate, the owner shall repair pre-existing substandard housing violations currently active with the Department to meet minimum standards under this Article.
- (f) Conditional Occupancy Certification will be issued to a rental unit that has all repairs completed excepting minor exterior items that cannot be completed due to the weather conditions and will include all the necessary information for the timely completion thereof.
- (g) The Code Inspector reserves the right to conduct a re-inspection of the rental unit and may adjust the certification cycle based upon any re-inspection.
- (h) The Inspection Certificate will be issued after the rental unit passes the Inspection Report and all fees and penalties due under this Article are paid. The Code Inspector may consider documentation submitted by the owner as sufficient proof of compliance on minor violations at the discretion of the Code Inspector.
- (i) Should the property fail to achieve certification, the Code Inspector may issue penalties and the rental unit may be subject to further enforcement, including a hearing, pursuant to the Indiana Unsafe Building Law.
- (j) An Inspection Report and Inspection Certificate shall be issued to the owner for each rental unit upon which an inspection cycle is performed within ten (10) business days from the date the Inspection Report is completed and from the date the Inspection Certificate is issued.

- (k) An Off-Cycle Inspection may be conducted based upon a complaint, or upon the Department's reasonable belief that the unit is out of compliance with or in violation of the IPMC, State of Indiana law or the South Bend Municipal Code.
- (l) If the Code Inspector has reason to believe that the rental unit does not comply with the Code or determines that the condition of the rental unit has deteriorated since the last Inspection Report, that resulted in certification, to such an extent that a complete new Inspection Report is required, then a complete new Inspection Report of the entire rental unit may be performed.
- (1) Upon completion, a new Inspection Report and appropriate Inspection Certificate, as approved by the Code Inspector, shall be issued to the owner.
- (m) Unless waived by the owner or tenant, the following procedure shall be used to obtain entry to rental units for completing any Inspection Report.
- (1) Whenever an Inspection Report is required, the Department will contact the owner to initiate the process for completing the Inspection Report.
- (2) The owner shall supply notice to the tenant(s) or occupant(s) and make reasonable arrangements with the tenant or occupant for a date and time to complete the Inspection Report. The owner shall inform the Department of the arrangements made with the tenant or occupant at least seven (7) business days before the scheduled date to complete the Inspection Report.
- (3) The owner, or the owner's authorized agent, must be present at the time the Code Inspector conducts the Inspection Report.
- (4) Should the owner fail to schedule a date and time to complete the Inspection Report and inform the Department per sub-section (2) above, the Department may send a certified letter to the owner of record explaining the failure to comply and the possible consequences for such failure if not cured within the time prescribed, in accordance with IC 36-1-20-6.
- (5) If the owner does not comply with scheduling a date and time to complete the Inspection Report after the time allowed in sub-section (4) above, the Department may post the rental unit as "No Inspection Certificate and Illegal for Non-Owner Occupancy" and penalties can be issued under this Article, in accordance with IC 36-1-20-6.
- (6) The Department may seek an inspection warrant under IC 36-7-9-16 if the owner, occupant or tenant refuses to allow entry to complete the Inspection Report.
- (n) Private Inspections completed as specified under IC 36-1-20-4.1(c) must meet all the requirements for an exemption to be approved by the Department.
- (1) An owner of a rental unit qualifying for an exemption described in IC 36-1-20-4.1(c) must apply to the Department for that exemption which may be denied if all qualifications of IC 36-1-20-4.1(c) are not met.
- (2) The owner applying to the Department for approval of the exemption must submit a written inspection report that verifies the rental unit is safe and habitable, along with all other necessary proof of the exemption, to the Department on or before the due date established by the Department.

(3) Pursuant to IC 36-1-20-4.1(d), the Department may inspect a rental unit that meets the requirements of and has been approved for an exemption if the Department has reason to believe or receives a complaint that the rental unit does not comply with applicable Code requirements.

(o) An Inspection Report will be made available for the tenant who occupies the rental unit at the time of the inspection and cooperates with the Department to complete the inspection. Unless other arrangements are made with the Department, the Inspection Report may be sent to the tenant who occupies the rental unit upon request as approved by the Department.

(p) Stop Work Order. To further the purposes of Secs. 6-79 and 6-81, and in conjunction with Chapter 16, Article 8 of the South Bend Municipal Code, Code Inspectors may issue stop work orders.

(1) Authority. Whenever the Code Inspector finds any work regulated by this Article being performed in a manner contrary to the provisions of this Article or in a dangerous or unsafe manner, the Code Inspector is authorized to issue a stop work order.

(2) Issuance. A stop work order shall be in writing and shall be given to the owner of the property, to the owner's authorized agent, or to the person doing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order and the conditions under which the cited work is authorized to resume.

(3) Emergencies. Where an emergency exists, the Code Inspector shall not be required to give a written notice prior to stopping the work.

(4) Failure to comply. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a penalty of not less than \$500.00 dollars or more than \$2,500.00 dollars per day.

(q) At the time the owner informs the Department of the arrangements made with the occupant or tenant to complete the Inspection Report, the owner shall provide the following contact information to the Department:

(1) The name, telephone number, email address and the commercial domicile address of the owner's physical business location. Additional listing of a secondary address which is not required to be physical, may also be given when used for availability to the public;

(2) The name, address, phone number, e-mail address of:

- a. The person(s) residing in Indiana authorized to manage the rental unit; and
- b. The person listed as the "responsible party" with the Internal Revenue Service; and
- c. The person who is authorized to act as agent for the owner for purposes of service of process and receiving and receipting for notices and demands on record with the Indiana Secretary of State's Business Services Division; and

- d. The property manager, if any, licensed by the Indiana Real Estate Commission.
- (3) Real property tax identification key number of each rental unit and/or rental unit community owned in the City;
 - (4) An affirmation of whether the rental units, the real property of which the rental units are a part, and any other rental unit property owned in the City, are subject to any unremediated citation or violation of the federal, state and local codes and ordinances;
 - (5) A statement of the number of rental units on each separate parcel of real property.

Sec. 6-83. Revocation of Inspection Certificate.

(a) The Department may revoke an Inspection Certificate, by sending notice to the owner of record via first-class and certified mail and publication if mail service is returned undeliverable, for the following causes:

- (1) The rental unit has deteriorated, does not pass minimal standards and the owner is unresponsive or refuses to make repairs.
- (2) The rental unit has deteriorated significantly to the point of becoming condemned.
- (3) The rental unit appears to have significantly deteriorated since the Inspection Report was last completed and owner is unresponsive to new Inspection Report requirement.
- (4) The owner supplied false information or false private inspection.
- (5) Since last Inspection Report, owner or occupant illegally converted space in the rental unit to increase the occupancy.
- (6) Since last Inspection Report, owner failed to correct Code violations within time allowed.
- (7) The rental unit has been designated as chronic nuisance pursuant to the South Bend Municipal Code.

Sec. 6-84. Approved certification for rental.

After the Inspection Report is completed and the rental unit receives an Inspection Certificate, the Department will provide the owner with the appropriate certification and the owner shall place it in a conspicuous location, such as in the façade of the building facing a public street and containing a building entry, or in a conspicuous interior location.

Sec. 6-85. Transfer of Inspection Certificate

An Inspection Certificate may be transferred to a new owner, except as prohibited in this section, by the owner filing with the Department the required owner information and agent information, if applicable, and payment of a \$50.00 fee. This includes transfers of ownership between corporations or other legal entities even where there is identical ownership interest in the acquiring legal entity as in the previous legal entity. An Inspection Certificate may not be transferred, or a new Inspection Certificate issued to any owner, owned in whole or in part by an owner, that currently has any Inspection Certificate revoked, or has been issued a Conditional Occupancy Certification or has a rental unit condemned by any agency that has the authority to condemn.

Sec. 6-86. Penalties and fees.

- (a) There is no fee for the initial inspection and the first re-inspection.

- (b) There is a \$100.00 fee for the second re-inspection per rental unit and the fee doubles for each re-inspection per rental unit thereafter.
- (c) There is a \$100.00 fee for each rental unit for the owner's failure to meet the Code Inspector for a scheduled inspection.
- (d) The owner of record will be notified by certified and first-class mail before any penalty may issue in accordance with IC 36-1-20-6. If the mailed notification is returned undelivered, the owner of record may be notified by publication including the same information as in the mailed notification. Penalties may be imposed as follows:
 - (1) A \$250.00 penalty per week for allowing occupancy of a rental unit that has not been inspected and certified.
 - (2) A \$300.00 penalty per week for allowing occupancy of a rental unit that has an expired certification posted.
 - (3) A \$500.00 penalty for removing a vacate and seal or condemned notice from the rental unit.
 - (4) A \$500.00 penalty the first week allowing occupancy in a condemned structure. After the first week, the penalty doubles each week thereafter until a maximum of \$7,500.00 per week.
- (e) The fees and penalties imposed under this section do not prohibit or restrict the enforcement for violations under other applicable ordinances, state or federal laws.
- (f) Fees and penalties generated from this Article shall be dedicated funds and are not to revert at the end of the City's fiscal year to the General Fund. These funds are to be accumulated and maintained in Fund 219. Penalties from this Article are to be used for purposes of assisting those in need of short-term relocation within the City from their rental unit because of owner noncompliance with this Article. Surplus revenue maintained in Fund 219 may be used for operating costs of the Rental Safety Verification Program.
 - (1) Acts of God or other conditions beyond the control of the property owner or caused by the tenant's negligent, wrongful or malicious acts or omissions will not qualify for short-term relocation assistance.
- (g) Penalties under this section will be imposed pursuant to IC 36-1-20-6.
- (h) If the owner of record fails to pay penalties, fees, costs and expenses within the time specified in the bill, the Department may pursue collections in personam and in rem as allowed by law, including in the same manner as prescribed under IC 36-1-6-2, IC 36-7-9-13 and IC 36-7-9-13.5 except that amounts collected shall be deposited and used according to sub-section(f) above.

Sec. 6-87. Monitoring progress.

The Rental Safety Verification Program will be subject to review at regular intervals, which includes meetings of a working group consisting of Code Inspector staff, Department leadership, a Common Council appointee, and Mayor's office leadership. Following the first six (6) months of implementation, Code Enforcement and the Mayor's Office will make a preliminary report to the Common Council on the progress in the focus areas, challenges faced, and anticipated

procedural changes, including adjustments to the inspection cycles and the potential to add a self-certification program.

Sec. 6-88. Severability clause.

The provisions of this ordinance are severable, and the invalidity of any phrase, clause or part of this ordinance shall not affect the validity or effectiveness of the remainder of the ordinance.

Secs. 6-89—6-93. Reserved.

SECTION II. This ordinance shall be in full force and effect from and after its passage by the Common Council, approval by the Mayor and any legal publication required by law.

Tim Scott, Council President
South Bend Common Council

Attest:

Kareemah N. Fowler, City Clerk
Office of the City Clerk

Presented by me, the undersigned Clerk of the City of South Bend, to the Mayor of the City of South Bend, Indiana on the _____ day of _____, 2019, at _____ o'clock ____ . m.

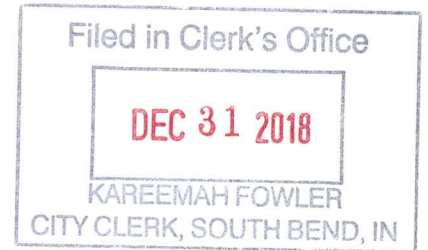
Kareemah N. Fowler, City Clerk
Office of the City Clerk

Approved and signed by me on the _____ day of _____, 2019, at ____ o'clock ____ .m.

Pete Buttigieg, Mayor
City of South Bend, Indiana

AREA BOARD OF ZONING APPEALS

1140 County-City Building
227 W. Jefferson Boulevard
South Bend, IN 46601
www.sjcindiana.com
Phone - 574-235-9571 - Fax - 574-235-9813



December 31, 2018

Honorable Common Council
4th Floor, County-City Building
South Bend, IN 46601

RE: Special Exception Use at 3602 West Sample Street

Dear Council Members:

Enclosed is an Ordinance for the proposed Special Exception Use. Please include the attached Ordinance on the Council agenda for unfinished business at your January 14th, 2019 Council meeting, and set it for public hearing at your January 28th, 2019 Council meeting. The petition is tentatively scheduled for public hearing at the January 9th, 2019 Area Board of Zoning Appeals meeting. The recommendation of the Area Board of Zoning Appeals will be forwarded to your office by noon on the day following the public hearing.

If you have any questions, please feel free to contact our office.

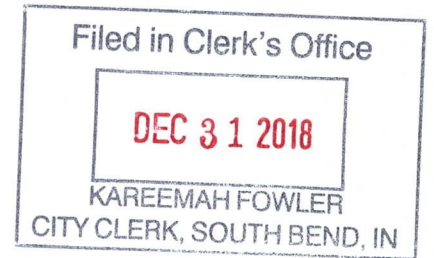
Sincerely,

A handwritten signature in black ink, appearing to be "Jordan Wyatt".

Jordan Wyatt
Planner

CC: Bob Palmer

BILL NO. 19-01
RESOLUTION NO. _____



A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND,
INDIANA, APPROVING A PETITION OF THE AREA BOARD OF ZONING APPEALS
FOR THE PROPERTY LOCATED AT 3602 WEST SAMPLE STREET

WHEREAS, Indiana Code Section 36-7-4-918.6, requires the Common Council to give notice pursuant to Indiana Code Section 5-14-1.5-5, of its intention to consider Petitions from the Board of Zoning Appeals for approval or disapproval; and

WHEREAS, the Common Council must take action within sixty (60) days after the Board of Zoning Appeals makes its recommendation to the Council; and

WHEREAS, the Common Council is required to make a determination in writing on such requests pursuant to Indiana Code Section 36-7-4-918.4; and

WHEREAS, the Area Board of Zoning Appeals has made a recommendation, pursuant to applicable state law.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA as follows:

SECTION I. The Common Council has provided notice of the hearing on the Petition from the Area Board of Zoning Appeals pursuant to Indiana Code Section 5-14-1.5-5, requesting that a Special Exception be granted for property located at:

3602 WEST SAMPLE STREET

In order to permit outdoor storage in excess of 50% of the total lot area.

SECTION II. Following a presentation by the Petitioner, and after proper public hearing, the Common Council hereby approves the petition of the Area Board of Zoning Appeals, a copy of which is on file in the Office of the City Clerk.

SECTION III. The Common Council of the City of South Bend, Indiana, hereby finds that:

1. The proposed use will not be injurious to the public health, safety, comfort, community moral standards, convenience or general welfare;

2. The proposed use will not injure or adversely affect the use of the adjacent area of property values therein;
3. The proposed use will be consistent with the character of the district in which it is located and the land uses authorized therein;
4. The proposed use is compatible with the recommendations of the City of South Bend Comprehensive plan;

SECTION IV. Approval is subject to the Petitioner complying with the reasonable conditions established by the Area Board of Zoning Appeals which are on file in the office of the City Clerk.

SECTION V. The Resolution shall be in full force and effect from and after its adoption by the Common Council and approval by the Mayor.

Tim Scott, Council President
South Bend Common Council