



TOWN OF BAY HARBOR ISLANDS

ADA SELF-ASSESSMENT AND TRANSITION PLAN

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## **Introduction**

The Town of Bay Harbor Islands (the Town) has developed an Americans with Disability Act (ADA) Transition Plan to better serve its community and develop policies and practices for implementing physical pedestrian improvements within the public right of way of the Town. The goal is to provide safe and usable pedestrian facilities for all pedestrians, and to assure compliance with all federal, state and local regulations and standards.

The Americans with Disabilities Act (ADA), enacted on July 26, 1990, is a federal civil rights law that provides protection for all persons with disabilities against discrimination by public and private entities. The ADA extends similar earlier protections provided by Section 504 of the Rehabilitation Act of 1973. This legislation mandates that qualified disabled individuals shall not be excluded from participation in, denied the benefit of, or be subjected to discrimination under any program or activity. The Act also protects employees with disabilities, with certain protections and requires employers to make reasonable accommodations for applicants and employees with disabilities.

The ADA is divided into five parts, covering the following areas:

### **Title I: Employment**

Under Title I, employers, including governmental agencies, must ensure that their practices do not discriminate against person with disabilities in the application, hiring, advancement, training, compensation or discharge of an employee, or in other terms, conditions and rights of employment.

### **Title II: Public Services**

Title II prohibits state and local government from discriminating against person with disabilities or from excluding participation in or denying benefits of programs series or activities to persons with disabilities. It is under this Title that this ADA Transition Plan has been prepared. The ADA Transition Plan is intended to outline the methods by which physical or structural changes will be made to affect the non-discrimination policies described in Title II.

### **Title III: Public Accommodations**

Title III requires places of public accommodation to be accessible and usable by persons with disabilities. The term public accommodation as it applies to public agency refers to any privately funded and operated facility serving the public.

### **Title IV: Telecommunications**

Title IV covers regulations regarding private telephone companies, and requires common carriers offering telephone services to the public to increase the availability of interstate and intrastate telecommunications relay services to individuals with hearing and speech impairments.

## **Title V Miscellaneous Provisions**

Title V contains several miscellaneous regulations, including construction standards and practices, provision for attorney's fees and technical assistance provisions.

This plan provides the action items necessary to ensure compliance with ADA Statutes based on the Town Self-Assessment Evaluation.

The Town has various responsibilities under Title II of the ADA. Title II of the ADA is similar to Section 504 of the Rehabilitation Act of 1973 but differs in that Section 504 in that it applies only to government agencies that receive federal financial assistance. The purpose of Section 504 is to ensure that no otherwise qualified individual with disabilities shall, solely by reason of disability, be discriminated against under any program or activity receiving federal financial assistance. The Town has been operating under the requirements of Section 504 for many years.

The public entity also is required to designate a person to be responsible for coordinating the implementation of ADA requirements and for investigating complaints alleged noncompliance. As such this ADA Transition Plan that relates to streets, sidewalks and public right of way that the designated person is

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### **ADA Transition Plan Requirements**

According to ADA, a public agency is required to prepare and ADA Transition Plan if physical or structural modifications to facilities are required to provide access to programs or services. Title II of the ADA Regulates government agencies, with its primary goal being to ensure that all their programs and services are accessible to individuals with disabilities. The ADA Transition Plan is limited to evaluating physical barriers: however, an analysis of the programs and services is important to determine what physical changes are necessary. The ADA Transition Plan documents what action the City will take to alter its facilities. The ADA requires that the ADA Transition Plan be submitted for public review before final approval and adoption by the appropriate regulatory agency.

Generally, the ADA Transition Plan lists existing barriers in the public rights-of-way under the City's jurisdiction, and schedules which barriers to remove to provide access for individuals with disabilities to the City programs. The City is required to provide access to all of its programs, but is not required to remove all architectural barriers in all if its facilities. In addition to making physical improvement,

government agencies can choose from various administrative solutions such a relocating or modifying a particular program, to obtain overall program access.

The ADA Transition Plan is required by Department of Justice rules to address the following aspects of accessibility:

1) If a public entity has responsibility or authority over streets roads or walkway, this ADA Transition plan shall include a schedule for providing curb ramps or other sloped areas where pedestrian walks cross curbs, giving priority to a walkways serving entities covered by the ADA, including State and local government offices and facilities, transportation, place of public accommodation, and employer, followed by walkways serving other areas.

2) The ADA Transition Plan shall identify physical obstacles in the public entity's facilities that limit the accessibility of its programs or activities to individuals with disabilities

3) The ADA Transition Plan shall describe the methods that it will use to make the facilities accessible:  
and

4) The ADA Transition Plan shall specify the schedule for taking the steps necessary to achieve compliance with the ADA and if the time period of the ADA Transition Plan is longer than one year, identify steps that will be taken during each of the transition periods.

#### **ADA Self-Assessment**

The following section details the self- evaluation results for the Town of Bay Harbor Islands. Evaluations were undertaken in review of facilities and policies related to public buildings and facilities, including pedestrian facilities in the right-of way and curb ramps, employment effective communication and monitoring and reporting policies.

#### **Government and Public Buildings and Facilities:**

An evaluation was undertaken in regards to ADA accessibility for existing public buildings in the Town of Bay Harbor Islands. The Town has 2 buildings and 6 facilities which would require remedial action under an ADA Transition plan.

#### **ADA Self- Assessment**

The following section details self-assessment results for the Town of Bay Harbor Islands. Evaluations were undertaken in review of facilities and policies related to public buildings and facilities, including pedestrian facilities in the right-of-way and curb ramps, employment, effective communication, and monitoring and reporting policies.

The self-evaluation results included all Town owned facilities. Further, the Town is committed to ensuring that any development or acquisition of additional public buildings or properties will undergo an

evaluation to determine compliance with ADA Standards. If necessary, remedial actions would be undertaken to ensure full compliance with applicable federal, state and local statutes.

The following table indicates the public facilities assessed during the field review:

TOWN HALL – Main Office

Item No.	ADAAG#	REQUIREMENT DESCRIPTION	OBSERVED CONDITION	P	Correction Schedule
1	4.2.4.1	Clear space of 30 inches wide by 48 inches long is required at all accessible elements	Clear space is blocked by an existing glass case. to lower counter	2	Completed 2012
2	7.2(2)	Service counters to be at least 36 inches wide with a maximum of 36 inches in height	A portion of the main counter in the Clerks office is 36 inches and 36 inches wide but is blocked by a removal top.	2	Completed 2012
3	4.13.3 & 4.13.5	Gate shall meet all applicable specifications of 4.13. Doorways shall have a minimum clear opening of 32 inches with the door open 90 degrees.	Gate to enter office area is 29 ½ inches wide.	2	Town is currently in the planning stages of a major remodeling/renovation of Town Hall which will address all outstanding ADA issues. Project completion expected by the end of 2022.
4	4.13.5	Doorways shall have a minimum clear opening of 32 inches with the door open 90 degrees.	Doors to all offices, other than the City Clerk, provide less than 32 inches of clear opening.	2	Town is currently in the planning stages of a major remodeling/renovation of Town Hall which will address all outstanding ADA issues. Project completion expected by the end of 2022.

2) Town Hall – Police Station

In the town hall, in the Police Station, the following barrier removal items were found to exist:

1. Exterior entrance door is electrically operator for automatic use.
2. A lower counter section was found which measured at least 36 inches wide and less than 36 inches high.

Item No.	ADAAG#	REQUIREMENT DESCRIPTION	OBSERVED CONDITION	P	Correction Schedule
5	4.13.5	Doorways shall have a minimum clear opening of 32 inches with the door open 90 degrees.	Holding room and cells have less than a 32 inch clear door opening	2	Town is currently in the planning stages of a major remodeling/renovation of Town Hall which will address all outstanding ADA issues. Project completion expected by the end of 2022.
6	4.13.5	Doorways shall have a minimum clear opening of 32 inches with the door open 90 degrees.	Doors to Chiefs and detectives office, provide less than 32 inches of clear opening.	2	Town is currently in the planning stages of a major remodeling/renovation of Town Hall which will address all outstanding ADA issues. Project completion expected by the end of 2022.
7	4.13.9	Door hardware shall be easy to grasp with one hand and does not require tight grasping, tight pinching or twisting.	Hardware on the door to Chiefs and detectives office, are round and require twisting or tight pinching.	2	Completed 2012

3) Town Hall – Building Department

In the town hall, in the Building Department, the following barrier removal items were found to exist:

1. Exterior entrance door is electrically operator for automatic use.
2. Doors have lever handles installed which do not require pinching and twisting.
3. A lower counter section was found which measured at least 36 inches wide and less than 36 inches high.
4. A conference room with a 32 inch clear door opening and an accessible table exists

Item No.	ADAAG#	REQUIREMENT DESCRIPTION	OBSERVED CONDITION	P	Correction Schedule
8	7.2(2)	Service counters to be at least 36 inches wide with a maximum of 36 inches in height	A portion of the main counter in the Building Department is 36 inches and 36 inches wide but is blocked by a removal top. The top needs to be removed when needed by a disabled patron.	2	Completed 2012
9	4.13.3 & 4.13.5	Gate shall meet all applicable specifications of 4.13. Doorways shall have a minimum clear opening of 32 inches with the door open 90 degrees.	Gate to enter office area is 31 ½ inches wide.	2	Completed 2012
10	4.13.9	Door hardware shall be easy to grasp with one hand and does not require tight grasping, tight pinching or twisting.	Hardware on the door to Conference Room and Building Department Directors office are round and require twisting or tight pinching.	2	Town is currently in the planning stages of a major remodeling/renovation of Town Hall which will address all outstanding ADA issues. Project completion expected by the end of 2022.
11	4.13.5	Doorways shall have a minimum clear opening of 32 inches with the door open 90 degrees.	Doors to Building Department Directors office, provide less than 32 inches of clear opening.	2	Town is currently in the planning stages of a major remodeling/renovation of Town Hall which will address all outstanding ADA issues. Project completion expected by the end of 2022.

4) Town Hall – Council Chambers

In the town hall, in the Council Chambers, the following barrier removal items were found to exist:

1. Exterior entrance door has an automatic operator.
2. There is a 36 inch high by 36 inch wide podium with a microphone.

Item No.	ADAAG#	REQUIREMENT DESCRIPTION	OBSERVED CONDITION	P	
12	28 CFR 35	Provide accommodations to disabled if requested.	None	2	

5) Town Hall – 2<sup>nd</sup> Floor Toilets

In the town hall, in the 2<sup>nd</sup> Floor Toilets, the following barrier removal items were found to exist:

1. Faucets which do not require twisting or pinching have been installed.
2. Lavatory top is 32 inches above the floor.
3. Soap and paper towel dispenser s are mounted to accessible heights.
4. Toilet room entrance hardware is accessible.

Item No.	ADAAG#	REQUIREMENT DESCRIPTION	OBSERVED CONDITION	P	Correction Schedule
13	4.30	Signs shall be mounted on the latch side of the door, 60 inches to the centerline of the door with Braille	Signs are mounted on the doors and do not have Braille	3	To be completed in 0-1 year
14	4.13.6	Maneuvering clearances at doors shall be as figure 25.	The corridor width leading to the women’s toilet room entrance door is 39 inches wide while 42 inches is required by figure 25(b)	3	To be completed in 5-10 years
15	4.13.5	Doorways shall have a minimum clear opening of 32 inches.	Toilet room entrance doors provide a 31 1/2 inches wide clear entrance.	3	To be completed in 1-2 years
16	11-4.13.11	The maximum force for pushing or pulling open a door shall be exterior hinged doors: 7.5 lbf. (FACBC)	Opening force of toilet room entrance doors is 12 pounds.	3	To be completed in 0-1 year
17	4.13.6	Maneuvering clearances at doors shall be as figure 25.	Offset at on toilet room entrance door is less than 18 inches required by figure 25(a)	3	To be completed in 2-5 years



18	4.19.4	Pipes under lavatories shall be insulated.	Pipes below lavatories are not insulated.	3	To be completed in 0-1 year
19	4.19.6	Lavatory mirrors shall be mounted with the bottom edge of the reflecting surface higher than 40 inches above the finish floor.	Reflective surface of mirror at lavatory is 40 ¾ inches above the floor	3	To be completed in 2-5 years
20	Figure 30	If possible an "30A" type stall shall be installed.	Restroom stall is "30 B" type, 36 inches by 64 inches, which is acceptable, if a "30 A type cannot be installed.	3	To be completed in 2-5 years
21	4.32.4.	Baby changing unit to be at reach limits 28 to 34 inches above the floor	Baby changing unit at 41" above floor	3	To be completed in 0-1 year
22	FACBC 11-17.5	Toilet stall doors shall be self closing	Accessible toilet stall door is not self closing	3	To be completed in 2019
23	4.17.6	Grab bars complying with the length and positioning shown in Figure 30 shall be provided.	No rear or side grab bars are present	3	To be completed in 2019
24	4.16.3	The height of water closet shall be 17 to 19 inches measured from the floor to the top of the seat.	Toilet seat is only 16 inches above the floor.	3	To be completed in 2019
25	4.2.4.1	The minimum clear space required to accommodate a wheel chair is 30 inches by 48 inches	Toilet seat cover dispenser is above toilet with no clear space to approach it.	3	Completed in 2012
26	4.16.6	Toilet paper and seat cover dispensers shall be installed as shown in figure 29(b)	The toilet paper holder and seat cover dispenser are not at the prescribed location	3	Completed in 2012
27	4.27.3	Cloth hooks to be at 48 inch reach limits	Cloth hook in stall is at 70 inches above the floor	3	Completed in 2012

28	4.2.4.2	Urinal screens shall be 30 inches wide when screen is 24 inches or less deep	Urinal screen is 26 inches wide and 16 inches deep	3	Urinals were removed in 2014
29	4.18.2	Urinal shall have an elongated rim at a maximum of 17 inches above the floor.	Lip of urinal is 24 inches above the floor	3	Urinals were removed in 2014
30	4.18.4	Flush controls shall be mounted no more than 44 inches above the floor	Urinal flush valve is 53 inches above the floor	3	Town is currently in the planning stages of a major remodeling/renovation of Town Hall which will address all outstanding ADA issues. Project completion expected by the end of 2022.
31	4.15.2	Drinking fountain spouts shall be no higher than 36 inches above the floor	Drinking fountain spout is 43 inches above the floor	4	Town is currently in the planning stages of a major remodeling/renovation of Town Hall which will address all outstanding ADA issues. Project completion expected by the end of 2022.
32	4.15.5(1)	Drinking fountains shall have knee space	No knee space exists	4	Town is currently in the planning stages of a major remodeling/renovation of Town Hall which will address all outstanding ADA issues. Project completion expected by the end of 2022.

33	4.1.3(10)	One accessible drinking fountain shall be provided to those who have difficulty bending or stooping.	No high drinking fountain exists	4	Town is currently in the planning stages of a major remodeling/renovation of Town Hall which will address all outstanding ADA issues. Project completion expected by the end of 2022.
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6) Town Hall – 1<sup>st</sup> Floor Toilets

In the town hall, in the 1<sup>st</sup> Floor Toilets, the following barrier removal items were found to exist:

1. Two toilet rooms have been constructed with many accessibility features.

Item No.	ADAAG#	REQUIREMENT DESCRIPTION	OBSERVED CONDITION	P	
34	4.32.6	Toilet room sign mounting location shall be so that a person may approach without standing within the swing of a door.	Toilet room entrance sign is on door.	3	Restroom remodeled in 2015
35	4.30.6	Toilet room sign Mounting height shall be 60 inches above the finish floor to the centerline of the sign.	Toilet room entrance sign is 64 ½ inches form the ground to it's centerline.	3	Restroom remodeled in 2015
36	4.13.11	The maximum force for pushing or pulling open a door exterior hinged doors: 7.5 lbf.	Opening force of toilet room entrance doors is 12 pounds.	3	Restroom remodeled in 2015
37	4.19.2	Lavatory knee and toe clearance shall comply with Fig. 31	Knee space under women's lavatory is 28 ½ inches at rim and 8 inches back from lip is 25 ½ inches.	3	Restroom remodeled in 2015
38	4.32.4.	Baby changing unit to be at reach limits 28 to 34 inches above the floor	Baby changing unit at 41" above floor	3	Restroom remodeled in 2015

39	Figure 30	Centerline of toilet to side wall shall be 18 inches	Centerline of women's toilet is 20 inches and men's toilet is 18 ½ inches	3	Restroom remodeled in 2015
40	4.16.6	Toilet paper dispenser shall be installed as shown in figure 29(b)	The toilet paper dispenser is not at the prescribed location	3	Restroom remodeled in 2015

7) Town Hall – Annex Building

In the town hall, in the Annex Building, the following barrier removal items were found to exist:

1. Exterior entrance door has an low power automatic operator with push buttons.
2. There are 36 wide doors to offices with lever handles.

Item No.	ADAAG#	REQUIREMENT DESCRIPTION	OBSERVED CONDITION	P	Correction Schedule
41	4.3.7	Cross slope of an accessible route shall not exceed 2%(1:50)	Cross slope near entrance door of the Annex Building exceeds 2%	1	Town is currently in the planning stages of a major remodeling/renovation of Town Hall which will address all outstanding ADA issues. Project completion expected by the end of 2022.
42	7.2(2)	Service counters to be at least 36 inches wide with a maximum of 36 inches in height	A portion of the main counter in the Annex Building is 43 inches.	2	Town is currently in the planning stages of a major remodeling/renovation of Town Hall which will address all outstanding ADA issues. Project completion expected by the end of 2022.

8) Tennis Courts

At the tennis courts, the following barrier removal items were found to exist:

1. Exterior entrance gate is 36 inches wide.

Item No.	ADAAG#	REQUIREMENT DESCRIPTION	OBSERVED CONDITION	P	
43	4.7.	Ramp shall have a maximum running slope of 1 in 12 (8,333%)	The entrance ramp from the sidewalk to the North gate tennis courts has a 20.1% running slope	1	Tennis courts will be remodeled in 2019
44	4.13.6 and Figure 25	Gates shall have a level maneuvering space	The North gate to the tennis courts has a 20.1% running slope and the West gate has a 4.4% cross slope at the gate maneuvering space	1	Tennis courts will be remodeled in 2019
45	4.13.9.	Gate hardware shall be of a type that does not require tight pinching or grasping	North and West gate to the tennis courts requires tight pinching or grasping	1	Tennis courts will be remodeled in 2019
46	4.13.6 and Figure 25.	Gates shall have an offset of 18 inches on the pull side of the gates.	The North gate to the tennis courts has a 20.1% running slope and the West gate has a 4.4% cross slope at the gate maneuvering space	1	Tennis courts will be remodeled in 2019
47	4.1.3(7)(c).	Accessible entrances shall be available at the same time and non accessible entrances	The School South gate to tennis courts could be closed during non school hours while the North gate could be open during those hours.	1	Tennis courts will be remodeled in 2019

9) Park and Parking lot – 92<sup>nd</sup> Street (Dog Park)

In the park and parking lot at the 92<sup>nd</sup> street Dog Park, the following barrier removal items were found to exist:

1. Two accessible parking spaces exists with signage.
2. Accessible gates with 32 inches clear width.
3. Accessible benches with side clear spaces for companions.
4. Accessible routes throughout the park.

Item No.	ADAAG#	REQUIREMENT DESCRIPTION	OBSERVED CONDITION	P	
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48	4.1.3	At least one accessible route shall connect facility	No accessible route from Northeast street corner or East to park.	1	To be completed in 2019
49	4.13.6 and Figure 25	Gates shall have a level maneuvering space	The gate at the accessible parking spaces has a bollard, which reduces the level maneuvering space to 38 inches.	1	To be completed in 2019
50	4.13.9.	Gate hardware shall be of a type that does not require tight pinching or grasping	Gates tight pinching or grasping to open.	1	To be completed in 2019
51	4.13.6 and Figure 25	Gates shall have a level maneuvering space	The gate at the Northwest corner next to the parking lot entrance has a running slope of 5% in the maneuvering space.	1	To be completed in 2019
52	4.7.	Curb ramps to have a maximum cross slope of 2%	Curb ramp at Northwest corner next to parking lot entrance has a 4% cross slope.	1	To be completed in 2019
53	4.32	Fixed or built in seating shall be accessible	Picnic table is not accessible.	4	To be completed in 2019

10) Park – 98<sup>th</sup> Street (Passive and Dog Park) No Parking

In the passive and dog park at 98<sup>th</sup> Street, the following barrier removal items were found to exist:

1. Accessible gates with 32 inches clear width.
2. Accessible routes throughout the park.

Item No.	ADAAG#	REQUIREMENT DESCRIPTION	OBSERVED CONDITION	P	
45	4.2.4.1	Accessible parking shall be provided per ADAAG 4.1.2(5)(a)	No accessible parking is provided for the park.	1	Completed in 2015

55	4.13.6 and Figure 25.	Gates shall have an offset of 18 inches on the pull side of the gates.	Both gates to the dog park and passive park, lack the maneuvering space on the gate pull side.	1	Completed in 2015
56	4.13.7.	Gates in series shall have a minimum of 48 inches between two hinged gates.	The series gates to the dog park do not have 48 inches between the two hinged gates.	1	Completed in 2015
57	4.13.9.	Gate hardware shall be of a type that does not require tight pinching or grasping	Gates tight pinching or grasping to open.	1	Completed in 2015
58	4.32 and figure 45	Fixed or built in seating shall be have clear floor space for a wheel chair	Bench does not have clear space for wheel chair.	4	Completed in 2015
59	4.32	Fixed or built in seating shall be accessible	Picnic table is not accessible	4	Completed in 2015
60	4.1.2(3) & 4.1.3(13)	Accessible elements shall be on the accessible route and within reach limits	Trash can and dog waste disposal units are not in reach areas	4	Completed in 2015

11) West Island – North Passive Park

In the West Island North passive park, the following barrier removal items were found to exist:

1. A curb ramp has been installed from the street to the park.

Item No.	ADAAG#	REQUIREMENT DESCRIPTION	OBSERVED CONDITION	P	
61	4.3.8	Changes in level in accessible routes shall not exceed ¼ inch stepped or ½ inch beveled 1:2	Lip at bottom and top of curb ramp is in excess of ¼ inch stepped or ½ inch beveled 1:2	1	Completed in 2012
62	4.3.7	Cross slopes on accessible routes shall not exceed 2%	Platform at top of ramp has a cross slope of 2.5%	1	Completed in 2012

63	4.32	Fixed or built in seating shall be accessible	Park bench is not accessible	4	Completed in 2012
64	4.1.2(3) & 4.1.3(13)	Accessible elements shall be on the accessible route and within reach limits	Trash can, mail box and dog waste disposal units are not in reach areas	4	Completed in 2012

12) West Island – South Passive Park

In the West Island South passive park, the following barrier removal items were found to exist:

1. A curb ramp has been installed from the street to the park.

Item No.	ADAAG#	REQUIREMENT DESCRIPTION	OBSERVED CONDITION	P	
65	4.2.4.1	Accessible parking shall be provided per ADAAG 4.1.2(5)(a)	No accessible parking is provided for the park.	1	Completed in 2012
66	4.32	Fixed or built in seating shall be accessible	Park Bench is not accessible	4	Completed in 2012
67	4.1.2(3) & 4.1.3(13)	Accessible elements shall be on the accessible route and within reach limits	Trash can and dog waste disposal units are not in reach areas	4	Completed in 2012

13) West Island - Tot lot

In the West Island Tot lot, the following barrier removal items were found to exist:

1. A curb ramp has been installed from the street to the park.
2. Accessible playground surfacing has been installed
3. Accessible routes have been installed throughout the park.

Item No.	ADAAG #	REQUIREMENT DESCRIPTION	OBSERVED CONDITION	P	
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68	4.13.6 and Figure 25.	Gates shall have an offset of 18 inches on the pull side of the gates.	Both gates to the dog park and passive park, lack the maneuvering space on the gate pull side.	1	Completed in 2012
69	4.13.9.	Gate hardware shall be of a type that does not require tight pinching or grasping	Gates tight pinching or grasping to open.	1	Completed in 2012
70	4.32	Fixed or built in seating shall be accessible	Two picnic table is not accessible	2	Completed in 2012
71	240-2010 Standard	2010 Standard require playground equipment to be accessible	Upper level of playground equipment is not accessible per 2010 Standard		To be completed in 2020
72	4.15.5 Figure 27	Drinking fountain requires 27 inches of knee space per figure .	Drinking fountain does not have clearances per figure 27	4	To be completed in 2020
73	4.1.3(10)	A high drinking fountain is required for those who have difficulty bending or stooping.	No high water drinking fountain exists	4	To be completed in 2020

14) Parking Lot – 103<sup>rd</sup> Street – 28 parking spaces

Item No.	ADAAG #	REQUIREMENT DESCRIPTION	OBSERVED CONDITION	P	
74	4.2.4.1	2 accessible parking spaces shall be provided per ADAAG 4.1.2(5)(a) for 28 total parking spaces.	No accessible parking is provided for this parking lot.	1	To be completed in 2018
75	4.3	Accessible route required to parking	No accessible route provided	1	To be completed in 2019

76	4.1.2(3) & 4.1.3(13) )	Accessible elements shall be on the accessible route and within reach limits	Dog waste disposal units is not in reach areas	4	Completed in 2012
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15) Parking Lot – 102<sup>nd</sup> Street – 56 parking spaces (Lay up yard)

Item	ADAAG	REQUIREMENT DESCRIPTION	OBSERVED CONDITION	P	
77	4.2.4.1	3 accessible parking shall be provided per ADAAG 4.1.2(5)(a) for a 56 parking space total.	No accessible parking is provided for this parking lot	1	Private Property/Not Town Property
78	4.3	Accessible route required to parking	No accessible route provided	1	Private Property/Not Town Property

16) Parking Lot – 100<sup>th</sup> Street and E Bay Harbor Drive – 28 Spaces

Item No.	ADAAG #	REQUIREMENT DESCRIPTION	OBSERVED CONDITION	P	
79	4.2.4.1	Two accessible parking shall be provided per ADAAG 4.1.2(5)(a) for 28 total parking spaces.	No accessible parking is provided for this parking lot.	1	To be completed in 2018
80	4.3	Accessible route required to parking	No accessible route provided	1	To be completed in 2019
81	4.1.2(3) & 4.1.3(13) )	Accessible elements shall be on the accessible route and within reach limits	Trash can, newspaper, mail box and dog waste disposal units are not in reach areas	4	Completed in 2012

17) Parking Garage – 95<sup>th</sup> Street & West Bay Harbor – 431 Spaces

In the garage, the following accessibility items were found to exist:

1. 9 accessible parking spaces, which are what is required for per ADAAG 4.1.2(5)(a) a total parking of 431 parking spaces
2. 2 accessible elevators.
3. Accessible doors at accessible routes.
4. Curb ramps at the first floor level.

<b>Item #</b>	<b>ADAAG #</b>	<b>REQUIREMENT DESCRIPTION</b>	<b>OBSERVED CONDITION</b>	<b>P</b>	
82	4.3.7	Nowhere shall the cross slopes of an accessible routes exceed 1:50 (2%)	On the accessible route from the one existing accessible parking space access aisle on level 2, the cross slope is 5%	1	To be completed in 2-5 years
83	4.3.7	Nowhere shall the cross slopes of an accessible routes exceed 1:50 (2%)	On the accessible routes, from the eight existing accessible parking spaces, on floors 3 and 4, to the elevators, have a cross slope which ranges from 1:23 (4.4%) & to 1:16 (6.4)%	1	To be completed in 2019
84	FACBC 11-4.6.2(1)	All spaces shall be on an accessible route no less than 44 inches wide.	On the 8 accessible parking spaces on floors 3 and 4, the accessible route to the elevator, is less than 44 inches when a car is parked in the adjacent space.	1	Completed in 2012
85	4.13.8	Door thresholds shall not exceed ¼ inch step and ½ inch beveled 1:2	The thresholds at the 1 <sup>st</sup> floor exterior doors exceed ¼ inch step and ½ inch beveled 1:2	1	To be completed in 2019
86	4.3.7	Nowhere shall the cross slopes of an accessible routes exceed 1:50 (2%)	The front public sidewalk has a cross slope which ranges from 1:23 (4.4%) & to 1:16 (6.4)%	1	To be completed in 2019
87	4.3.7	Nowhere shall the cross slopes of an accessible routes exceed 1:50 (2%)	The accessible path from the North west rear elevator exit does not lead to an accessible route.	1	To be completed in 2019

18) Parking Lot – 95<sup>th</sup> Street – 66 spaces

Item No.	ADAAG#	REQUIREMENT DESCRIPTION	OBSERVED CONDITION	P	
88	4.2.4.1	3 accessible parking spaces shall be provided per ADAAG 4.1.2(5)(a) for 54 total parking spaces.	No accessible parking is provided for this parking lot	1	To be completed in 2018

19) Parking Lot – 97<sup>th</sup> Street & W. Bay Harbor Drive – 27 spaces

Item No.	ADAAG#	REQUIREMENT DESCRIPTION	OBSERVED CONDITION	P	
89	4.2.4.1	3 accessible parking spaces shall be provided per ADAAG 4.1.2(5)(a) for 27 total parking spaces.	No accessible parking is provided for this parking lot	1	To be completed in 2018

20) Parking Lot – North Service Alley Bay Harbor Terrace

In the Parking Lot, North service Alley, Bay Harbor Terrace, the following barrier removal items were found to exist:

1. Four accessible parking space has been placed.
2. Curb ramps have been installed
3. Accessible routes have been built.

Item No.	ADAAG#	REQUIREMENT DESCRIPTION	OBSERVED CONDITION	P	
90	4.3.8	Maximum change in elevation on an accessible route is ¼ inch stepped or ½ inch beveled 1:2	At the accessible aisle and side walk junction of the behind 1077 and 1005, a one inch step occurs		Private Property

91	4.6.3	Maximum slope of accessible parking spaces and access aisles shall be 2%(1:50)	Accessible parking spaces behind 1077 and 1077 have cross slopes exceed 2.4%. Accessible parking space behind 1077 has a running slope exceeding 3%. And the access aisle behind 1077 has a running slope of 2.4%.	Private Property
92	4.7.6	Curb ramps shall not be built up in the accessible parking space access aisle.	Curb ramps are built up in access aisles behind 1077 and 1065	Private Property

21) Causeway – Administration Office

In the Causeway Administration Office, the following barrier removal items were found to exist:

1. An accessible parking space and access aisle exists at this facility.
2. Curb ramps have been constructed.
3. An accessible ramp leads from the parking lot to the office space.
4. Accessible features exist in the restrooms.

Item No.	ADAAG#	REQUIREMENT DESCRIPTION	OBSERVED CONDITION	P	
93	4.6.3	Accessible parking spaces shall have a 60 inch wide access aisle	Both accessible parking spaces do not have a accessible access aisle	1	Building and Parking facilities were demolished in 2014
94	4.7.2	Running slopes of curb ramps shall not exceed 8.333%(1:12)	Running slope of east curb ramp to accessible parking space has a 9.8% running slope.	1	Building and Parking facilities were demolished in 2014
95	4.7.7	Curb ramps shall have detectable warnings	None of the curb ramps at this facility have detectable warnings.	1	Building and Parking facilities were demolished 2014

96	4.8.4	Landings of ramps shall be level	Bottom landing of ramp has a 3.8% running slope	1	Building and Parking facilities were demolished 2014
97	4.8.5(1)	Ramp handrails gripping surface shall be continuous, 34 to 38 inches above the ground	Ramp handrail gripping surface is not continuous	1	Building and Parking facilities were demolished 2014
98	4.835 (2)	Ramp handrails shall extend at least 12 inches beyond the end of the ramp at top and bottom	No handrail extensions exist	1	Building and Parking facilities were demolished 2014
99	7.2(2)	Service counters to be at least 36 inches wide with a maximum of 36 inches in height	The counter in the Causeway Building is 42 inches.	2	Building and Parking facilities were demolished 2014
100	4.30	Signs shall be mounted on the latch side of the door, 60 inches to the centerline of the door with Braille	Signs are mounted on the doors and do not have Braille		Building and Parking facilities were demolished 2014
101	11-4.13.11	The maximum force for pushing or pulling open a door shall be exterior hinged doors: 7.5 lbf. (FACBC)	Opening force of toilet room entrance doors is 12 pounds.	2	Building and Parking facilities were demolished 2014
102	Figure 30	If possible an "30A" type stall shall be installed.	Restroom stall is "30 B" type, 36 inches by 64 inches, which is acceptable, if a "30 A type can not be installed.		Building and Parking facilities were demolished 2014
103	4.16.4	Side grab bars shall start a 12 inches from rear wall	Side grab bar does not start 12 from rear wall		Building and Parking facilities were demolished 2014
104	4.25.3	Hook shall be a maximum of 48 inches above the ground.	Toilet stall hook is above 48 inches	3	Building and Parking facilities were demolished 2014
105	4.16.6	Toilet paper and seat cover dispensers shall be installed as shown in figure 29(b)	The toilet paper holder and seat cover dispenser are not at the prescribed location	3	Building and Parking facilities were demolished 2014

22) Causeway – Service Station

In the Causeway Service Station, the following barrier removal items were found to exist:

1. There are four accessible parking spaces at this facility.
2. The restroom has accessible features.

Item No.	ADAAG#	REQUIREMENT DESCRIPTION	OBSERVED CONDITION	P	
106	4.6.3	Accessible parking spaces shall have a 60 inch wide access aisle	The two east accessible parking spaces do not have a accessible access aisle	1	To be completed in 2019 by tenant
107	4.7.2	Running slopes of curb ramps shall not exceed 8.333%(1:12)	Running slope of east curb ramp to accessible parking space has a 9.8% running slope.	1	To be completed in 2019 by tenant
108	4.30	Signs shall be mounted on the latch side of the door, 60 inches to the centerline of the door with Braille	Signs are mounted on the doors and do not have Braille	3	To be completed in 2019 by tenant
109	11-4.13.11	The maximum force for pushing or pulling open a door shall be exterior hinged doors: 7.5 lbf. (FACBC)	Opening force of toilet room entrance doors is 12 pounds.	2	To be completed in 2019 by tenant
110	4.19.2	Lavatory knee and toe clearance shall comply with Fig. 31	Lavatory is pedestal mount type and does not have knee space under it.	3	To be completed in 2019 by tenant
111	4.19.6	Lavatory mirrors shall be mounted with the bottom edge of the reflecting surface higher than 40 inches above the finish floor.	Toilet room mirror is mounted above 40 inches..	3	To be completed in 2019 by tenant
112		Paper towel dispenser shall be within reach limits	Paper towel dispenser is above reach limits	3	To be completed in 2019 by tenant

113		Soap dispenser is to be within reach limits	Soap dispenser is above reach limits	3	To be completed in 2019 by tenant
114	4.16.5	Water closet flush valves shall be mounted on the wide side of the toilet.	The waster closet flush control is on the narrow side of the fixture.	3	To be completed in 2019 by tenant
115	4.17.6	Water closet not mounted installs shall comply with 4.26 and figure 29. The grab bar behind the toilet shall be 36 inches minimum, 42 inch minimum on the side shall be mounted 12 inches from the back wall.	No rear grab bar exists at the toilet.  Side grab bar is 6 inches from rear wall.	3	To be completed in 2019 by tenant
116	4.16.3	The height of water closet shall be 17 to 19 inches measured form the floor to the top of the seat.	Toilet seat is only 16 inches above the floor.	3	To be completed in 2019 by tenant
117	4.16.2	Clear floor space for water closets, not in stalls, shall comply with figure 28	Center line of toilet of side wall is 30 inches	3	To be completed in 2019 by tenant
118	4.16.6	Toilet paper dispensers shall be installed as shown in figure 29(b)	The toilet paper holder is not at the prescribed location	3	To be completed in 2019 by tenant

### Program Accessibility

The final Rules and Regulations of the ADA describe the requirements for program accessibility (Code of Federal Regulations, Title 28, Part 35, Subpart D). A public entity shall operate each service, program or activity, when viewed in its entirety, so that it is accessible to and usable by individuals with disabilities. The ADA does not require the public entity to make all its existing facilities accessible, nor does it require a public entity to take any action that would fundamentally alter the nature of a service, program or activity. Also, it does not require implementation of the ADA that would result in undue financial and administrative burdens. In such cases where documentation is provided in keeping with strict procedures outlined in the ADA, there are various methods that may be appropriate for providing programs accessibility in lieu of making actual physical changes to facilities.

The first step in determining what structural changes to existing facilities are necessary is to develop and understanding of the specific public program and activities occurring at existing facilities within the



Town. This section attempts to describe the programs and activities in the public right of way. It should be noted that this section is not intended to be a self-evaluation as described in the ADA. A self-evaluation included an analysis of all programs and services offered by a public entity. The self-evaluation may include communications, publications, employment and many other factors that are separate from proposed structural or physical modifications to facilities.

The activity of using the public right of way may be considered a program in two different ways

- 1) Streets, sidewalks and curb ramps may be part of a continuous path of travel between activities or programs. At various public and private facilities located on adjacent properties.
- 2) Streets, sidewalks and curb ramps may themselves represent a program or public pedestrian activities that are essential to the usage and enjoyment of a city's built environment.

The Department of Justice's Title II Technical Assistance manual point out that the a public entity's programs related to streets, sidewalks and curb ramps may be prioritized with respect to relative importance and frequency of usage. It further describes that program accessibility wouldn't require all streets, sidewalks and curb ramps to be fully accessible as required by current codes. A determination of what public rights-of-way are programmatically required to be accessible may vary from jurisdiction to jurisdiction.

### **Public Participation**

The ADA states that a public entity is required to make available to applicants, participant, residents and other interested parties information regarding the ADA Transition Plan and its applicability to their services programs or activities of the public entity, and to apprise the public of the protection against discrimination afforded to them by the ADA. A public entity also is require to provide an opportunity for interested person, including individuals with disabilities or organizations representing individuals with disabilities, to participate in the development of the ADA Transition Plan by submitting comments and making specific recommendations. The ADA also requires that a copy of the draft ADA Transition Plan shall be made available for public inspection during formal public review period.

A copy of this Transition Plan will be published on the Town's website and the public will be invited to provide comments. Notice of the Plan's availability will be posted on the Town's website. The plan will be updated, as needed, based on the comments received. Comments on the plan can be provided by the Town's ADA Coordinator in writing by letter or email to Ronald J. Wasson in person or via phone at 305-866-6241. The Town will maintain a log of all comments registered.

*The outreach efforts included the following components as shown in bullet points:*

- *Parks and Recreation Advisory Committee*
- *Town's Website – [www.bayharborislands-fl.gov](http://www.bayharborislands-fl.gov)*
- *Town Newsletter (Newswaves) which is distributed by U.S Mail, email and it is also available on the Town's website.*

**Parks and Recreation Advisory committee**

The Town Council has created a Parks and Recreation Advisory Committee which provides recommendations for improvements to the Town's parks and recreational programs.

**Website – [www.bayharborislands-fl.gov](http://www.bayharborislands-fl.gov)**

**Town Newsletter Newswaves**

**Grievance Procedures** -The Grievance procedures are posted on the Town Website along with Grievance Complaint form.

**Design and Regulation of Improvements**

The Town will adhere to the ADA design standards put forth by the Florida Department of Transportation Design Standards, and requirements of the Florida Building Code. The technical provisions of the Design Standards as well as the Florida Department of Transportation's Plans Preparation Manual, as related to ADA accessibility to public facilities, is adopted by reference as part of this report.

**Record Keeping**

The ADA Coordinator will maintain permanent records, which include, but are not limited to, copies of the ADA complaints and lawsuits and related documentation, and records of correspondence to and from complainants, and ADA investigations. The ADA Coordinator shall be responsible for conducting annual reviews of ADA records and updating the Capital Improvements recommendations as necessary.



## **NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT**

In accordance with the requirements of Title II of the Americans with Disabilities Act of 1990 (“ADA”), the Town of Bay Harbor Islands will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs, or activities.

***Employment:*** The Town of Bay Harbor Islands does not discriminate on the basis of disability in its hiring or employment practices and complies with all regulations promulgated by the U.S. Equal Employment Opportunity Commission under title I of the ADA.

***Effective Communication:*** The Town of Bay Harbor Islands will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in the Town’s programs, services, and activities, including qualified sign language interpreters, documents in Braille, and other ways of making information and communications accessible to people who have speech, hearing or vision impairments.

***Modifications to Policies and Procedures:*** The Town of Bay Harbor Islands will make all reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all of its programs, services, and activities. For example, individuals with service animals are welcomed in the Town’s offices, even where pets are generally prohibited.

Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a program, service, or activity of the Town, should contact the office of the Town Manager as soon as possible but no later than 48 hours before the scheduled event.

The ADA does not require the Town to take any action that would fundamentally alter the nature of its programs or services, or impose an undue financial or administrative burden.

Complaints that a program, service or activity of the Town is not accessible to persons with disabilities should be directed to the Town Manager.

The Town of Bay Harbor Islands will not place a surcharge on a particular individual with a disability or any group of individuals with disabilities to cover the cost of providing auxiliary aids/services or reasonable modifications of policy, such as retrieving items from locations that are open to the public but are not accessible to persons who use wheelchairs.



**Town of Bay Harbor Islands  
Americans with Disabilities Act  
Grievance Complaint Form**

Complainant (s) Name:	Complainant(s) Address:
Complainant (s) Phone Number:	
Address/Location of the Violation	
Nature of Violation (Describe the conditions you encountered):	
Signature of the complainant	
Date:	Please note that you will be contacted within 15 calendar days upon submission of this form.

**Mail to:** Town of Bay Harbor Islands, 9665 Bay Harbor Terrace, Bay Harbor Islands, FL 33154 ,  
Attn: Ronald J. Wasson. This form may also be faxed to: **305-866-4863** Attn: Ronald J. Wasson.