

City of Brazil, Indiana
Walkways Repair and Maintenance Policy

Pursuant to the American with Disabilities Act, 42 U.S.C. §12132 the City of Brazil, Indiana shall maintain all sidewalks and walkways to the standards established by the said act.

Section 1. Periodic Inspections

The City Street Department shall perform bi-annual inspections of walkways within the corporate limits of the City of Brazil, Indiana. All walkways that lie north of US 40 (National Avenue) shall be inspected in each year that ends with an even number, beginning in 2006. All walkways that lie south of US 40 (National Avenue) shall be inspected in each year that ends with an odd number, beginning in 2005. Each inspection shall be completed by December 31 of each year. It shall be the duty of the City's Street Commissioner to document and provide this report to the Mayor. The city shall perform the necessary repairs the following year as weather permits.

Section 2. Citizen Request for walkway repairs

Citizens of the City of Brazil shall request walkway repairs twelve months per year. All request shall be made in the Mayor's Office (City Hall; 203 East National Avenue; Brazil, Indiana 47834), by phone (812-443-2221), or via internet (www.brazil.in.gov).

- a) A log shall be kept by the Administrative Assistant to the Mayor indicating the date, name, and address of all persons who contact the City of Brazil requesting sidewalk repairs. If the request has been received via internet or United States Postal Service, the Administrative Assistant shall notify the individual by electronic mail or United States Postal Service within five (5) business days that the request has been received.
- b) Within ten (10) business days of the request, a representative from the City shall contact the individual requesting the repair and shall personally review the walkway area in question.
- c) If the walkway is deemed to be in need of repairs by the City of Brazil shall, within ten (10) business days of the personal review, inform the individual when the walkway is slated for repair based on the timetable submitted to the Indiana Civil Liberties Union on March 24, 2005.
- d) If the walkway is deemed to be in need of repairs by the City of Brazil shall, within ten (10) business days of the personal review, inform the individual, the sections in question is deemed a priority and include a timeframe to complete the necessary repairs. This means that regardless of whether the sidewalk is in the first or second priority area of the Federal Class Action between *Hall* (formally Targett) v. *City of Brazil, Indiana*, (No. TH 00-221-C Y/H) filed in U.S. District Court; Terre Haute Division; February 8, 2001, it shall be repaired by a reasonable time frame. If at any time, the City is unable to meet the reasonable time frame established, the city shall notify the individual that made the request, by writing, and establish a new time frame.

- e) If the walkway is deemed to be in need of repairs by the City of Brazil and the requesting individual provides documentation of a physical handicap from a physician, the request shall be deemed a first priority and repaired within in ninety (90) days or by May 31st of the following year of the request.

Section 3. Repairs completed by

The city shall designate an employee, employees, or contractor to make the necessary repairs. The city shall pay all labor and material costs associated with the requested repairs.

Section 4. Right To Appeal

If an individual making a request for repairs is denied said request, the individual making the request shall have the right to appeal the decision by city representative to the city. The requesting individual shall request an appeal in writing to the Mayor's Office (203 East National Avenue; Brazil, Indiana 47834). The Mayor's Office will forward all appeal requests to each member of the city council within two (2) business days of the receipt of the appeal. The city council shall have at least five (5) days to review the request. The city council shall make a decision to uphold the city representative's denial or order the repairs to be completed at it's regularly scheduled meeting after the five (5) days of review.

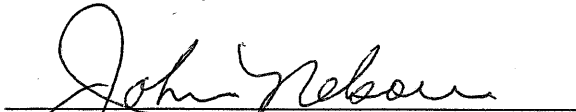
Section 5. Time Frame of this Policy

This policy shall be in full effect and full force upon passage by the Brazil City Board of Public Works and Safety.

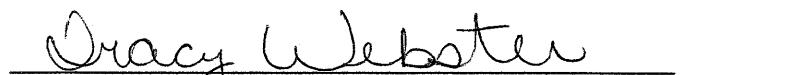
Approved this 31 day of March, 2005



Thomas Arthur, Mayor and President of the Board of Public Works and Safety


William Lovett, Member
John Nelson, Member

ATTEST


Tracy Webster, Clerk-Treasurer of the City of Brazil, Indiana