

ORDINANCE NO. 49-524792409

AN ORDINANCE CREATING CHAPTER 18.14 OF THE CODE OF THE CITY OF WICHITA, KANSAS, PERTAINING TO PARKING LOT STRIPING STANDARDS AND ENFORCEMENT

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:

SECTION 1. Section 18.14.010 of the Code of the City of Wichita, is hereby created to read as follows:

18.14.010. Parking lot striping defined.

Parking lot striping, within the meaning of this Chapter, is the use of any material on the lot surface to install, alter, repair, or modify the layout and arrangement of parking stalls within a parking lot. Parking lot striping also includes any work done if such work alters signage or other aspect of existing accessible parking to be in violation of statute, ordinance, or code requirement. The regulations of this Chapter apply to any parking lot, whether on public or private property, if the parking lot is available for use by, or rent to, the general public.

SECTION 2. Section 18.14.020 of the Code of the City of Wichita, Kansas, is created to read as follows:

18.14.020. Responsibilities.

- (a) Nothing in this Section shall be interpreted to require modification of any existing parking lot beyond parking lot striping as defined in this Chapter.
- (b) Because no building permit is required, nothing in this Section shall be interpreted to require improvements to the accessible path of travel or the parking surface.
- (c) For any new construction, reconstruction, resurfacing, resealing, mill-and-overlay, or restriping of any existing parking lot, accessible parking spaces shall be 132 inches wide minimum and shall have an adjacent access aisle 60 inches wide minimum; provided, however, that where such striping is not readily achievable as defined in 28 CFR § 36.104, the ADA Coordinator may grant a waiver in writing to allow the striping to provide for an

accessible parking space 96 inches wide minimum with an adjacent access aisle 96 inches wide minimum or other equivalent facilitation.

- (d) Accessible parking spaces that complied with the 1991 ADAAG Standards and Sec. 18.14.020 effective July 1, 2008, are not required to be restriped in order to comply with Sec. 18.14.020(a), unless parking lot striping is performed on the lot.
- (e) All accessible parking signage shall consist of, at a minimum, signage compliant with the Federal “Manual on Uniform Traffic Control Devices,” such as the R7-8 “Reserved Parking” sign. Such sign shall be at least 12 inches wide and 18 inches tall. Such sign shall contain the international symbol of accessibility in blue on white and shall contain wording as to designate the stall as reserved for accessible parking.
- (f) Parking lot striping shall be consistent with the Federal Manual on Uniform Traffic Control Devices, except that striping of parking stalls may be either white or yellow, whichever provides better contrast. The international symbol of accessibility may, when striped on the parking lot stall, be either white or yellow.
- (g) Accessible parking spaces shall be located on the shortest possible accessible route of travel from adjacent parking to an accessible building entrance. In parking facilities that do not serve a particular building, accessible parking spaces shall be located on the shortest accessible route to an accessible pedestrian entrance to the parking facility. Where buildings have multiple accessible entrances with adjacent parking, accessible parking spaces shall be dispersed and located near all accessible entrances. In no case shall the provisions of Section 208 of the Department of Justice’s current ADA Standards for Accessible Design, 28 CFR 35.151, be reduced or eliminated.
- (h) Nothing in this Section shall be interpreted to permit striping of accessible parking spaces less stringent than that provided for in current ADA Standards for Accessible Design and 28 CFR Parts 35 and 36 or to reduce any obligation of the owner, renter, general contractor, subcontractor, or any other agent under any other applicable law, rule, or ordinance.

SECTION 3. Section 18.14.030 of the Code of the City of Wichita, is hereby created to read as follows:

18.14.030. Striping contractor’s license—when required.

Any person or entity, whether as principal, agent, or employee, engaged in the business of striping a parking lot in the City of Wichita shall be required to obtain a striping contractor's license from the City Engineer's Office. When striping is performed by or under the direct supervision of a property owner or renter, or such owner's or renter's agent, such individual shall be deemed to be a licensed striping contractor for the purposes of striping such property.

This Section shall apply after September 1, 2013.

SECTION 4. Section 18.14.040 of the Code of the City of Wichita, is hereby created to read as follows:

18.14.040. Qualifications of applicant to be shown—bond required.

- (a) Before any striping contractor's license is issued, the applicant therefore shall have filed with the City Engineer's Office a surety bond in the amount of five thousand dollars which shall be approved as to form by the City Attorney. The condition of such bond shall be that the principal therein shall comply with all ordinances of the City relating to and regulating the striping of parking lots, and hold and save the City harmless from any and all damage to persons or property resulting from or growing out of any action or inaction by the principal therein.
- (b) Prior to application, the person applying for the license shall pass a comprehensive exam covering ADA standards for accessible parking developed by the City Engineer's Office and the ADA Coordinator.
- (c) No striping contractor's license or renewal thereof shall be granted to:
 - 1. Any person who is not a citizen of the United States or in possession of a valid United States Permanent Residence Card, or an entity, if it does not have such a qualified person as a member or controlling shareholder;
 - 2. Any person who has his license revoked for cause under the provisions of the City's Building Code or Wichita-Sedgwick County Unified Zoning Code;
 - 3. Any person who is not at least eighteen years of age;
 - 4. Any person, who at the time of application for renewal of any license issued hereunder, would not be eligible for such license upon a first application;

5. Any person or entity who is unable to provide documentation that the applicant has satisfactorily completed the licensing exam for ADA Standards for accessible parking;
6. Any person who has failed to comply with a remediation agreement under Section 18.14.090.

(d) No bond shall be required if the striping is performed by or under the direct supervision of the property owner or renter or such property's owner's or renter's agent.

SECTION 5. Section 18.14.050 of the Code of the City of Wichita, is hereby created to read as follows:

18.14.050. Application; fee.

(a) All persons shall make application for a striping contractor's license with the City Engineer's Office. The application for such license will be made on forms provided by the City Engineer's Office and shall be in writing and contain, at a minimum, the following information:

1. The full name and place of residence of the applicant. If the applicant is a sole proprietor, partnership, or limited liability company, the application shall give the full name, including all previous names and aliases, and the places of residence of the applicant, including each partner or member. If the applicant is a corporation, the applicant shall give the name and addresses of each stockholder possessing twenty percent or more of the stock of the corporation;
2. The name and address under which the applicant intends to conduct his/her business;
3. Proof the applicant has filed a bond with the City Engineer's Office as required in Section 18.14.040(a);
4. A copy of the applicant's workers compensation insurance policy or proof of waiver with statutorily required coverage;
5. Documentation that the applicant, all employees of the applicant or other persons who intend to participate in parking lot striping for the applicant's service have satisfactorily met all the requirements of Section 18.14.040.

- (b) A striping contractor's license shall be issued for one year. The fee shall be one hundred dollars, paid at the time of application. No fee shall be required if the striping is performed by or under the direct supervision of the property owner or renter.
- (c) The City Engineer's Office shall develop any additional rules and regulations necessary for the issuance or annual renewal of striping contractors' licenses.

SECTION 6. Section 18.14.060 of the Code of the City of Wichita, is hereby created to read as follows:

18.14.060. Suspension and subsequent revocation of license—Notice of hearing.

- (a) Upon five business days' written notice served by first-class mail or personal delivery to the person holding a striping contractor's license, or to the striping contractor's agent at the site of the striping, the City Engineer or the City Engineer's designee shall have the authority to suspend such license for a period not to exceed ninety days, for any violation of the provisions of this Chapter.
- (b) The City Engineer may suspend a license on the following conditions:
 - 1. A willful, deliberate, or continual disregard and violation of any provision of the Wichita City Code, the Wichita-Sedgwick County Zoning Code, or failure to comply with any lawful order of the ADA Coordinator or the City Engineer;
 - 2. Misrepresentations of a material fact submitted to the City of Wichita during the application process in obtaining a license;
 - 3. Failure to pay the annual license fee;
 - 4. Failure to maintain the eligibility requirements for a license;
 - 5. Failure to maintain a current valid mailing address with the City Engineer's Office.
- (c) Unless remedied within thirty days, a suspended license shall be revoked. The City Engineer shall give separate notice of such revocation. No new license shall be issued to such licensee, or to any person acting for or on his or her behalf, for a period of at least three years after revocation.
- (d) The licensee may appeal such an order of suspension or revocation in writing to the City Council within thirty days from the date of such order. An appeal taken from an order of suspension or revocation shall not suspend the order of revocation or suspension

during the pendency of such appeal. Any appeal from a decision of the City Council shall be heard pursuant to K.S.A. 60-2101(d).

(e) No striping work shall be performed by any licensed striping contractor who has received notice of suspension or revocation.

SECTION 7. Section 18.14.070 of the Code of the City of Wichita, is hereby created to read as follows:

18.14.070. Requirements to stripe; striping without a license.

(a) The property owner, renter, general contractor, subcontractor, and any other agent striping a parking lot or causing such striping to be performed shall require any parking lot striping work to be performed by a striping contractor licensed under this Chapter.

(b) When striping begins, the striping contractor shall post a conspicuous notice at the location to be striped, to remain conspicuous for no less than seven days after striping is completed. The notice shall be in a form prescribed by the ADA Coordinator and shall contain, at a minimum, the striping contractor's name and license number or, if the striping contractor is the property owner or renter, the notice shall contain that entity's contact information. Alternatively, the striping contractor may submit a list of lots striped to the City's ADA Coordinator within seven days containing such information required in the above notice.

(c) It is unlawful for any person to perform parking lot striping in the City without being a licensed striping contractor or to fail to place a conspicuous notice under 18.14.070(b).

SECTION 8. Section 18.14.080 of the Code of the City of Wichita, Kansas, is hereby created to read as follows:

18.14.080. Enforcement.

Any person may file a complaint alleging new parking lot striping does not conform to either the provisions of Section 18.14.020 or the current ADA Standards for Accessible Design with the City's ADA Coordinator; such complaint need not be in writing. The City's ADA Coordinator shall then investigate, and if probable cause exists to support the complaint, issue a

citation and notice to appear pursuant to Section 18.14.100 or enter into a remediation agreement pursuant to Section 18.14.090.

SECTION 9. Section 18.14.090 of the Code of the City of Wichita, Kansas, is hereby created to read as follows:

18.14.090. Remediation.

- (a) The City's ADA Coordinator may enter into a remediation agreement with the person or entity responsible for performing or causing to be performed non-compliant striping. Such agreement will require the curing of any parking lot striping defects and make arrangements for an inspection to assure compliance, all at such responsible party's expense. Such agreement may further require the responsible party to complete an educational program administered by the ADA Coordinator or the Coordinator's agent.
- (b) It is unlawful to fail to follow such remediation agreement.
- (c) Prosecution for failure to follow a remediation agreement shall be prosecuted without regard to any remediation action previously taken.

SECTION 10. Section 18.14.100 of the Code of the City of Wichita, Kansas, is hereby created to read as follows:

18.14.100. Service of notice to appear.

The City's ADA Coordinator shall, at all times, be empowered to enforce the provisions of this Chapter and other accessible parking ordinances. Such authority shall include the enforcement authority to issue citations for violations of this Chapter and for violations of Section 11.52.020(25). Citations and notices to appear issued under this Section shall:

- (a) Particularize the violation alleged to exist or to have been committed or state a remediation agreement has been breached;
- (b) Be addressed to and served upon the striping contractor or, when striping has not been performed by a striping contractor, the property owner, or renter. A striping contractor may be served at the address provided on the most recent contractor license application on file with the City of Wichita. The property owner may be served at the property

owner's mailing address on record with Sedgwick County. A renter may be served at the address serviced by the lot striped.

SECTION 11. Section 18.14.110 of the Code of the City of Wichita, is hereby created to read as follows:

18.14.110. Penalty.

Any person violating any of the provisions of this Chapter shall, upon conviction, be punished by a fine of not more than one thousand dollars or by imprisonment for not more than thirty days or by both such fine and imprisonment.

PASSED by the governing body of the City of Wichita, Kansas this 25th day of June, 2013.

Carl Brewer, Mayor

ATTEST:

Karen Sublett, City Clerk

Approved as to Form:

Gary E. Rebenstorf
Director of Law