

ORDINANCE NO. 47-871

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, Kansas, shall read as follows:

**Section 18.14.010 Parking Lot Striping Defined.** Parking lot striping, within the meaning of this section, 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 that 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, shall read as follows:

**Section 18.14.020 Responsibilities.** The general contractor for property under permitted new construction, and the owner of all other property, including existing structures, shall be responsible for all parking lot striping work done on the property, whether or not such work is done directly by him or by a subcontractor or agent, and shall be responsible for any violations of this code created by such work. All parking lot striping work done on or after July 1, 2008 that

simply refurbishes existing work, without any modification of existing parking surface or parking space format, which format was in compliance with Americans with Disabilities Act Accessibility Guidelines (ADAAG) standards when originally installed, may be maintained in that configuration. For any new construction, or any existing parking lot that is not in current compliance with ADAAG specifications, the parking lot striping work must be designed and installed in conformance with the “Universal Parking Design” standards of Appendix Section A4.6.3 of the Americans with Disabilities Act Accessibility Guidelines, as amended, and any additional requirements created in City Code.

SECTION 3. Section 18.14.030 of the Code of the City of Wichita, Kansas, shall read as follows:

**Section 18.14.030 Remediation and civil enforcement.** Any responsible person may file a complaint of new work not conforming to ADAAG standards or the provisions of Section 18.05.825 as appropriate, with the City’s ADA Coordinator. The ADA Coordinator shall investigate the complaint, and may present the complaint against any responsible party investigated to the Superintendent of Central Inspection. Upon receipt of a complaint from the ADA Coordinator, the Superintendent of Central Inspection shall issue the responsible person a notice to appear pursuant to Section 18.14.040. Alternatively, the ADA Coordinator may, in his or her discretion, enter into a remediation agreement with the responsible person that will cure the defects noted at the expense of the responsible party, make arrangements for an inspection to assure compliance at the expense of the responsible party, and will further require the responsible party to complete an educational program, all as administered by the ADA Coordinator or his or her agent. Should the responsible party fail to adhere to the remediation

agreement, the violation may be turned over for notice of violation under Section 18.14.040 and prosecution under Section 18.32.010, without regard to any remediation action previously taken.

SECTION 4. Section 18.14.040 of the Code of the City of Wichita, Kansas, shall read as follows:

**Section 18.14.040 Service of notice of violations upon persons responsible therefore; when notice to become an order.** Whenever the Superintendent of Central Inspection determines that there has been a violation of any provision of this Chapter, he or she shall give notice to appear before the municipal court to the person or persons responsible therefore as hereinafter provided. Such notice shall:

- a) Be in writing;
- b) Particularize the violations alleged to exist or to have been committed;
- c) Provide a reasonable time for the correction of the violation particularized;
- d) Be addressed to and served upon the owner, the operator, the occupant of the building or the responsible general contractor, or to any or all such persons having responsibility for the property; provided that such notice shall be deemed to be properly served on a person designated if a copy thereof is served upon him personally or if a copy thereof is sent by certified mail to his last known address. A general contractor may be served at the address provided on the most recent license application. Such a violation notice shall be prosecuted as a misdemeanor pursuant to Section 18.32.010.

SECTION 5. Upon adoption and publication in the official city newspaper, this Ordinance shall be effective July 1, 2008.

PASSED by the governing body of the City of Wichita, Kansas, this 22 day of April, 2008.

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Carl Brewer, Mayor

ATTEST:

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Karen Sublett, City Clerk

Approved as to Form:

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Gary E. Rebenstorf, Director of Law  
and City Attorney