

Guide to Accessible Parking



Americans with Disabilities Act Coordinator
Wichita City Hall
455 N. Main St., 7th Floor
Wichita, Kansas 67202
(316) 268-4448

First Edition, May 2014

Table of Contents

1. Introduction.....	3
2. Applicability	4
3. Scoping Requirements	5
a) Exception: Medical Facilities	6
b) Exception: Four or Fewer Spaces	6
c) Exception: Assigned Parking Spaces.....	6
4. Signage Requirements	7
a) Sign Design.....	7
b) Sign Location	8
c) Sign Height	9
d) Sign Color	9
5. Space Layout.....	12
a) Space Location.....	12
b) Accessible Surfaces	12
c) Space Dimensions	13
d) Striping Colors	14
6. Accessible Requirements	16
a) Access Aisle.....	16
b) Curb Ramps	17
c) Vertical Clearances	21
d) Accessible Route.....	22
7. Other Regulations	23
8. Municipal Accessible Parking Ordinances	24
9. Case Law and State Statutes	30

Disclaimer:

This publication is intended to serve as a resource only. It is not a substitute for the law or statute.

Supporting Documentation:

The Manual on Uniform Traffic Control Devices (MUTCD), Federal Highway Administration, U.S. Department of Transportation. <http://mutcd.fhwa.dot.gov>

2010 ADA Standards for Accessible Design

1. INTRODUCTION

More than 50 million Americans—18% of the population—have disabilities. People with disabilities are living more independently and participating more actively in their communities. Part of this independence is the ability to have safe and accessible parking.

The Americans with Disabilities Act (ADA) is a Federal civil rights law that helps facilitate accessibility, including accessible parking lots. The City of Wichita, in an effort to help ensure compliance with federally mandated ADA standards, has produced this manual for those who stripe parking lots within the City.

The City of Wichita has also adopted the van-accessible stall as the standard stall—a 5' access aisle with an 11' parking stall. This has been shown to greatly reduce the number of people who inappropriately park in the hashed-out areas provided for access.

2. APPLICABILITY

Accessible parking laws are enforced by City ordinance and Kansas State law “on public and private property.” K.S.A. § 8-1,129(c), Wichita Ordinance § 11.52.020(25)(h). There is no provision to allow managers, owners, supervisors, or anyone else to give permission to park in an accessible space without a permit or to reduce, modify, or eliminate federal, state, or local requirements. ADA requirements apply twenty-four hours a day, seven days a week—even outside normal business hours and on property that is striped for public access parking, but from which no business currently operates (unless the property is gated closed to the public).

ADA striping requirements apply to any new construction, reconstruction, resurfacing, resealing, mill-and-overlay, or restriping of any existing parking lot. This includes any place of public accommodation (private entities that own, operate, or lease to places of public accommodation), commercial facilities, and private entities that offer certain examinations and courses related to educational and occupational certification.

Places of public accommodation include, but are not limited to, restaurants, hotels, theaters, convention centers, retail stores, shopping centers, dry cleaners, pharmacies, doctors’ offices, hospitals, museums, libraries, parks, zoos, amusement parks, private schools, day care centers, health spas, and bowling alleys. Commercial facilities include, but are not limited to, nonresidential facilities, including office buildings, factories, and warehouses.

3. SCOPING REQUIREMENTS

One of the most fundamental standards of accessible parking is the number of accessible parking spaces required to be provided in parking lots. While the minimum requirements are shown in Table 1, businesses are encouraged to enhance their customer service by providing more than the minimum number.

Table 1. Scoping Requirements.

Total Spaces in Parking Lot	Minimum Number of Accessible Spaces
1–25	1
26–50	2
51–75	3
76–100	4
101–150	5
151–200	6
201–300	7
301–400	8
401–500	9
501–1000	2 percent of total
1001+	20, plus 1 for each 100 over 1000

If parking spaces are provided for employees or visitors, accessible spaces must be provided in each parking area. Spaces required by Table 1 do not need to be in each lot, as long as the relocated spaces provide equivalent or greater accessibility. Accessible spaces for employees are “reasonable accommodations” under Title I of the ADA and may not be counted as part of the minimum number of accessible spaces.

For example, if there are two parking lots serving a facility, each lot can meet the scoping requirements by itself or all of the accessible parking spaces (for the total number of spaces in both lots) may be placed in the closest lot. If accessible spaces are not provided in every lot as required by the scoping requirement, the maximum amount to be charged is for the least expensive lot with insufficient accessible parking.

Where a parking facility serves multiple buildings or accessible entrances, accessible parking spaces must be dispersed to enable people to park near as many accessible entrances as possible. For example: A shopping center has fifteen stores, each with a separate entrance. There is one large parking lot with 1,000 spaces. The twenty accessible parking spaces must be dispersed to provide some options for people to park close to the different stores.

a) Exception: Medical Facilities

Facilities providing medical care and other services for persons with mobility impairments must provide additional spaces.

Table 2. Special Facilities.

Facility Types	Minimum Number of Accessible Spaces
Outpatient Units and Facilities	10% of total spaces
Units and facilities specializing in treatment or services for persons with mobility impairments	20% of total spaces

b) Exception: Four or Fewer Spaces

Parking lots that have four or fewer total spaces must have at least one accessible parking space, but the space does not need to be designated as reserved with a sign. This means that anyone—with or without a disability—can park in the accessible space. This is intended to excuse very small entities from having to reserve 25% to 100% of their available parking for individuals with disabilities. In other words, an accessible space must be provided—including the appropriate access aisle—but the space need not be signed or otherwise marked as reserved.

c) Exception: Assigned Parking Spaces

Residential facilities where parking spaces are assigned to specific dwelling units must be properly striped and designated as an accessible space for Apt. #__ under the FHA. An exception may be where the resident only requests a space that is close and not necessarily

accessible. Accessible spaces required by the Fair Housing Act may not be counted as part of the minimum number of accessible spaces.

4. SIGNAGE REQUIREMENTS

Signage is critical in alerting the motoring public to the presence of accessible parking. Not only is signage important for identifying accessible parking, but more importantly, spaces are not legally “accessible” unless the spaces are posted with the appropriate signage. The City of Wichita requires all accessible spaces to be “universal parking” design (van accessible). Accordingly, there is no requirement to have a “Van-Accessible” sign.

a) Sign Design

Both Federal and State laws require accessible parking spaces to be designated as reserved by a sign showing the symbol of accessibility. The Federal Manual on Uniform Traffic Control Devices (MUTCD) provides a national standard for sign designs and sizes. Accessible parking is designated by an R7-8 sign under the MUTCD that is at least 12 inches wide and 18 inches tall. There is no specific requirement on the wording used on the sign; “Reserved Parking,” “Accessible Parking,” or similar language is acceptable.



The City of Wichita, however, requires that signage must provide “reasonable notice of the presence of accessible parking.” Accordingly, it is acceptable to use existing inventories of substantially compliant signs as long as the signs provide adequate notice of the presence of accessible parking. Any alternative sign must provide “equivalent facilitation,” that is it must provide equal or greater notice to drivers compared with the R7-8 sign.

"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."

Municipal Ordinance § 18.14.020(e)

Non-compliance with the Federal Manual on Uniform Traffic Control Devices or any other law, rule, standard, or ordinance with regard to parking lot striping shall not be considered a defense to Section 11.52.020(25) if such signage or striping provides reasonable notice of the presence of accessible parking.

Municipal Ordinance § 18.14.020(f)

"The R7-8 sign shall have a green legend and border and a white wheelchair symbol on a blue square, all on a white background."

MUTCD § 2B.47, "Design of Parking, Standing, and Stopping Signs"

"Such sign shall be at least 12 inches wide and 18 inches tall."

Municipal Ordinance § 18.14.020(e)

MUTCD Table 2B-1

b) Sign Location

Signs must be located to provide reasonable notice that the space is reserved for individuals with disabilities. Ideally, the sign should be placed at the center of the parking space no more than five feet from the front of the parking space. However, it may be located on a building if the sign provides reasonable notice that the space is reserved. This can help keep the sidewalk free from the obstruction of a sign post. However, it is important to place bumper blocks so that the accessible route cannot be blocked by a vehicle, which could happen by a driver pulling a vehicle's front bumper over the ramp, when the ramp is constructed as shown in Figure 1.



Figure 1. Lack of Bumper Blocks Allow Vehicle Encroachment on the Curb Ramps.

c) Sign Height

Signs must be located at a height to provide reasonable notice that the space is reserved for individuals with disabilities, but at least 60 inches (1525 mm) minimum above the finish floor or ground surface measured to the bottom of the sign. A sign should be located high enough so it can be seen from the driver’s seat of a vehicle in the space. If the sign is located along an accessible route and projects more than four inches from the pole, the sign must be located at least 80” above the accessible route. This prevents individuals traversing the accessible route from coming into contact with the sign’s edges.

d) Sign Color

Alternative signage, such as special colors or shapes, is not allowed and specifically prohibited. Uniformity is required to ensure that drivers recognize that the space is reserved for

individuals with disabilities. Unusual colors, such as black-and-white signs, are not allowed because they fail to comply with Federal MUTCD requirements. The MUTCD R7-8 sign, or a sign substantially similar to the R7-8, is the only sign allowed.

The City of Wichita generally requires the International Symbol of Accessibility (ISA) be painted onto the space surface to emphasize accessible spaces, as shown in Figure 2 (MUTCD Figure 3B-22). White or yellow striping may be used. The ISA should be painted at the rear of each space, close enough to the lane of travel so that it can be seen under a car in the space.

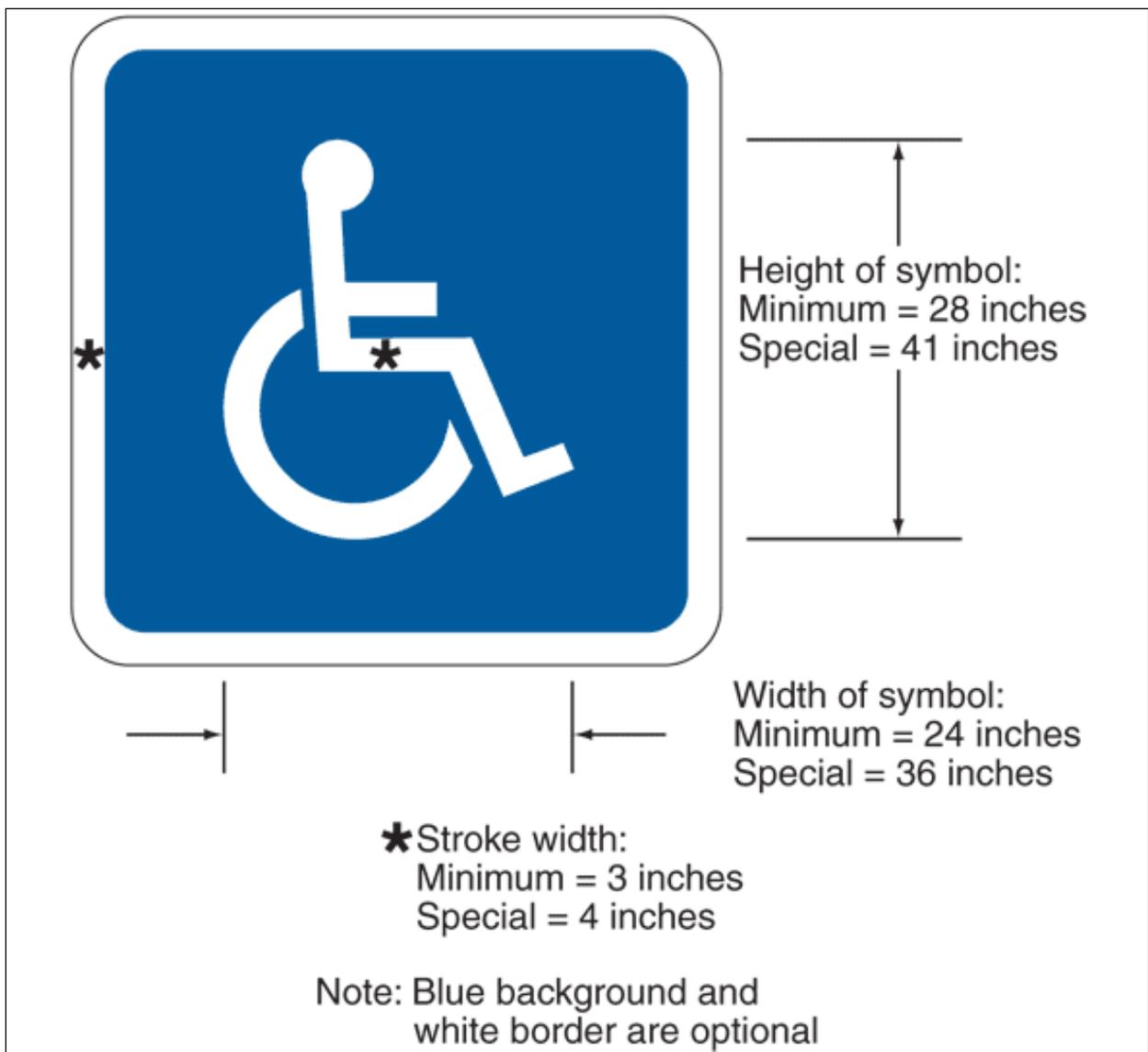


Figure 2. International Symbol of Accessibility Parking Space Marking.



Figure 3. Alternate International Symbol of Accessibility Parking Space Marking.



Figure 4. Alternate International Symbol of Accessibility Parking Space Marking.

5. SPACE LAYOUT

Space layout includes considerations about the accessible route to and from the space in addition to the size and placement of accessible parking spaces themselves. Designating an accessible space on a steep incline next to the front door doesn't provide reasonable accessibility—reasonable accessibility is achieved through proper location, striping, and surfacing. While merely restriping may not require structural changes to the accessible path, it is important to consider the accessible path and not reduce accessibility when restriping.

a) Space Location

Accessible parking spaces must 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 must be located on the shortest accessible route to an accessible pedestrian exit from the parking facility. Where buildings have multiple accessible entrances with adjacent parking, accessible parking spaces must be dispersed and located near all accessible entrances.

b) Accessible Surfaces

The ground surfaces for accessible routes, access aisles, and accessible parking spaces must be stable, firm, and slip-resistant and have a cross slope that is no greater than 1:50 (meaning there is rise of no more than 1 in. over 50 in. of surface), or 2%. Acceptable ground surfaces include concrete and asphalt.

One exception is a gravel or dirt parking lot, which must provide concrete or asphalt accessible routes and access aisle pads. However, the accessible parking spaces themselves may have a gravel or dirt surface.

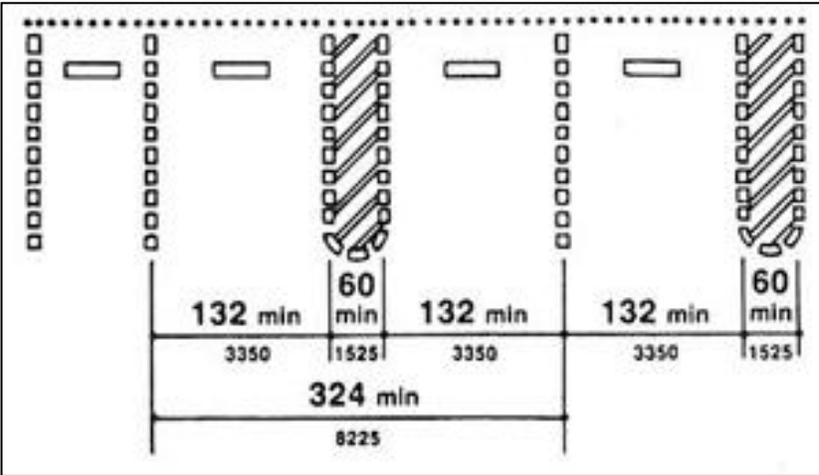


Figure 5. Gravel parking lot with paved accessible spaces and paths..

c) Space Dimensions

Space dimensioning is critical, both to create sufficient room for vehicles and to discourage violators from

inappropriately blocking access aisles serving the reserved spaces. Accessible parking spaces must be 132 inches (11 feet) wide minimum and shall have an adjacent access aisle 60 inches



(5 feet) wide minimum. This configuration creates an access aisle that is too small in which to comfortably park most vehicles and yet leave sufficient room for the vehicle to back in safely, if needed. Because all spaces are “van accessible,” no designation of van accessible spaces is required or desired, as such signs imply that such spaces may only be used for a van.

However, where such space layout is not readily achievable, the ADA Coordinator may grant a waiver in writing to provide equivalent facilitation. This can occur when existing curb ramps no longer line up with an access aisle.

Spaces must be a minimum of 216 inches (18 feet) deep and provide a minimum 98-inch-high clearance. If the accessible route is located in front of the space, wheel stops or a curb must be placed to keep vehicles from reducing width of the accessible route below 36 inches. The City encourages the use of concrete-filled steel pipe bollards as a sign support. Stand alone galvanized pole-mounted signs tend to get knocked down by vehicles over time, which is not only a maintenance problem, but can block the accessible route.

d) Striping Colors

The Manual on Uniform Traffic Control Devices states “parking space markings shall be white. Blue lines may supplement accessible spaces.” The purpose of white striping in the MUTCD is to differentiate between same-direction travel and parking (generally designated by white) and opposite-direction travel (designated by yellow).

“Parking space markings shall be white.”
MUTCD Standard § 3B.19

“Blue lines may supplement white parking space markings of each parking space designated for use only by persons with disabilities.”
MUTCD Option § 3B.19

However, yellow striping frequently provides better contrast on light-colored concrete while white striping provides better contrast on darker asphalt. If the pavement in your parking area is black, dark blue paint may not be visible at night; if it is grey, light blue or white paint may not be visible at certain light levels, such as under fluorescent lights. The law requires that the striping of diagonal lines in the access aisles.

When possible, all parking lot striping should comply with the MUTCD. For example, opposing traffic should not be separated by white striping and same-direction traffic should never be separated by yellow striping. Incorrect striping is shown below (opposing traffic is separated by a white line instead of the correct yellow line).



Figure 6. Incorrect Use of White Striping to Delineate Opposite-Direction Traffic.

6. ACCESSIBLE REQUIREMENTS

Accessible routes do not require any markings unless they cross a vehicular traffic way, in which case they must be marked with lines defining their boundaries and additionally be marked throughout with slanted lines. Access aisles provide access to both the accessible route and to the vehicle. The mantra of accessible routes is:

Clear – Level – Smooth

It is important that accessible paths and access aisles are clear, level, and smooth. Pedestrians with mobility impairments may have difficulty lifting feet, or crutches (causing tripping). Similarly, pedestrians with vision impairments may have difficulty detecting elevation changes, (causing tripping). Rough surfaces may cause the front caster of a wheelchair to swivel sideways and catch. Wheelchair lifts require an even surface on which to rest.

Ground surfaces may have changes in level up to $\frac{1}{4}$ in. without any edge treatment. However, changes in level between $\frac{1}{4}$ in. and $\frac{1}{2}$ in. must be beveled with a slope no greater than 50% (1V:2H). Changes greater than $\frac{1}{2}$ in. may not have a slope greater than 8.33% (1:12 H:V). Gaps in the accessible route—for example, gaps in the sidewalk—may not exceed $\frac{1}{2}$ inch.

a) Access Aisle

Access aisles must be at least 60-inch wide, level (2% or 1:50 H:V maximum slope in all directions), must be the same length as the adjacent parking space(s) it serves, and must connect to an accessible route leading to the area being served. The boundary of the access aisle must be marked and may end in either a squared or curved shape.

Unless one-directional angled parking is used, two parking spaces may share an access aisle. If only one-directional angled parking is used, the vehicle cannot back into the space. Accordingly, access needs to be provided on both sides of the vehicle so both a driver or a passenger has sufficient space to enter or exit a vehicle.

When parallel parking spaces are used for accessible spaces, an access aisle must also be provided. The access aisle for parallel parking is shown in Figure 7, assuming parallel parking on that side of the street.

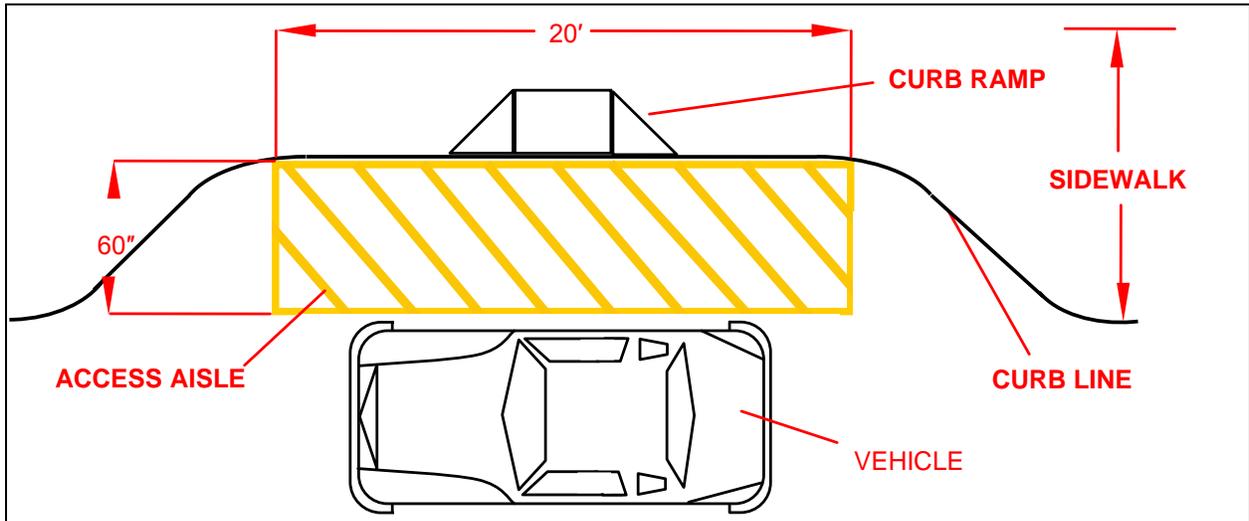
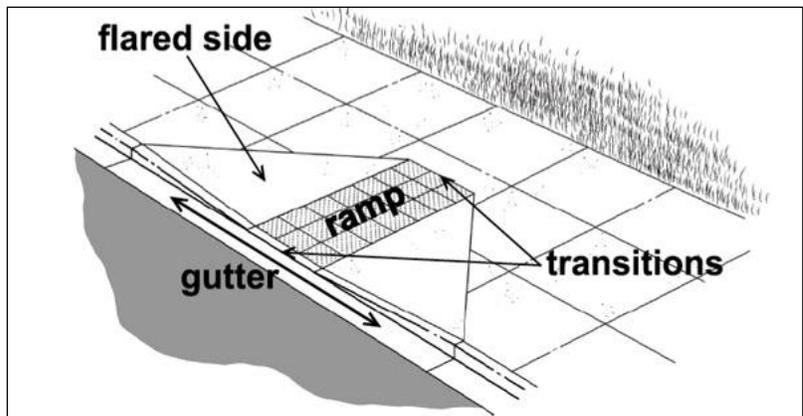


Figure 7. Parallel Parking.

b) Curb Ramps

A curb ramp is a short ramp cutting through a curb or built up to it. If designed and constructed to be accessible, a curb ramp provides an accessible route that people with disabilities



can use to safely transition from a roadway to a curbed sidewalk and vice versa.

The different parts of the most common type of curb ramp, a perpendicular curb ramp, are labeled in the illustration below. The ramp, or ramp run, is the sloped section that individuals who use wheelchairs travel up and down when transitioning between the street and the sidewalk. Transitions between the ramp and the sidewalk, gutter and street are located at the top and

bottom of the ramp run. Flared sides, or flares, bring the curb itself to the level of the street. The gutter is the roadway surface immediately next to the curb ramp that runs along the curb.

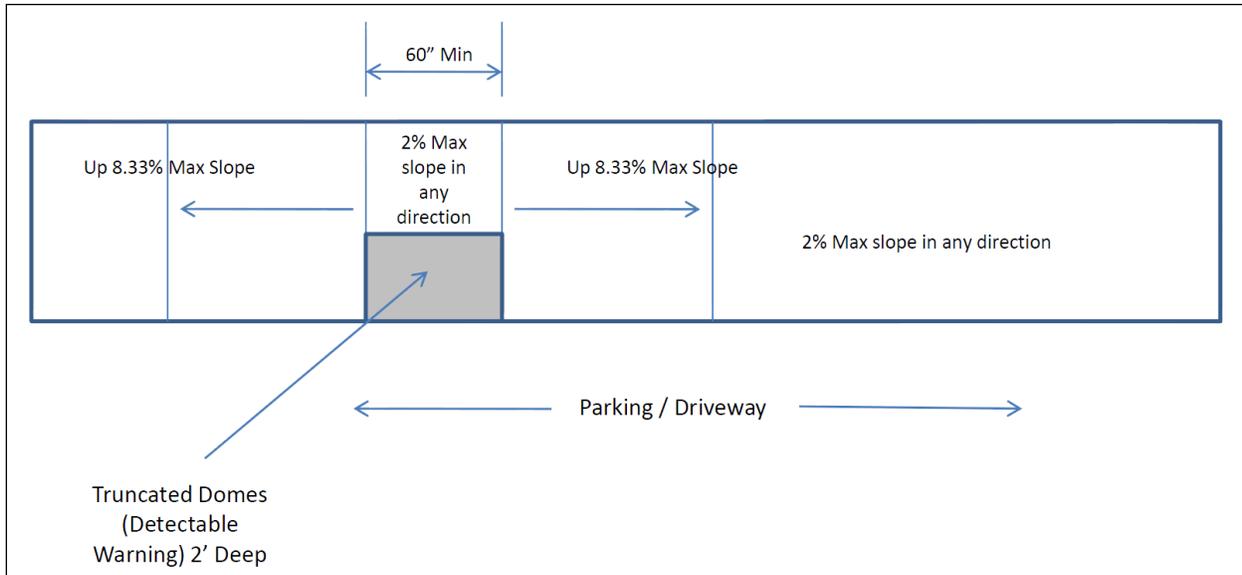


Figure 8. Detectable Warning Application.

Ramps should use the least possible slope and must not extend into the access aisle. Curb ramps may have a maximum slope of 8.33% (1:12 H:V). However, if a curb ramp is to be constructed on an existing site and space limitations prohibit the use of a 1:12 slope or less, a slope may be:

- Between 1:10 and 1:12 for a maximum rise of 6 in.
- Between 1:8 and 1:10 for a maximum rise of 3 in.

A slope steeper than 1:8 is never allowed. A curb ramp of more than ten feet is never allowed without a five-foot landing. Curb ramps do not require handrails.

If it appears to be technically infeasible to construct a common ADA-compliant ramp, consider alternative curb ramp designs, such as built-up curb ramps. Built-up curb ramps are permissible only if they feed into an accessible route. This method avoids the need for a ramp to be constructed into an existing curb. Since this ramp does not lead into a vehicular traffic way, it

does not require detectable warnings. A built-up curb ramp cannot extend into an access aisle, as illustrated in Figure 10.

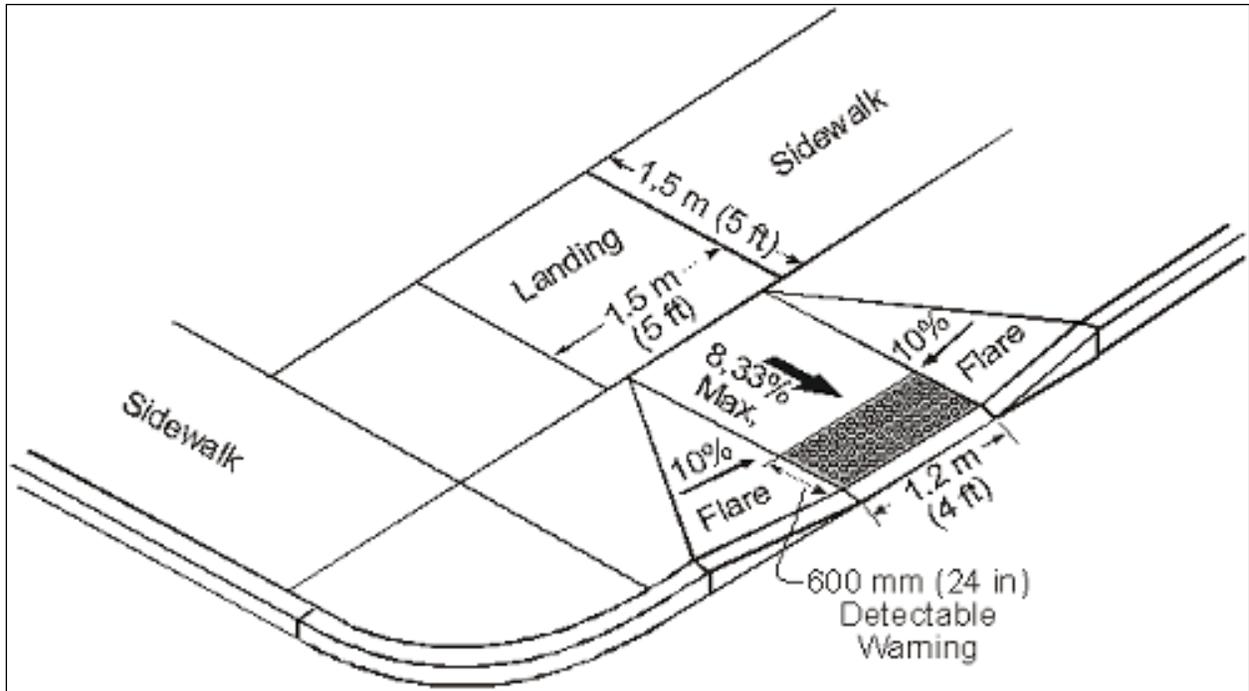


Figure 9. Maximum ramp slopes.

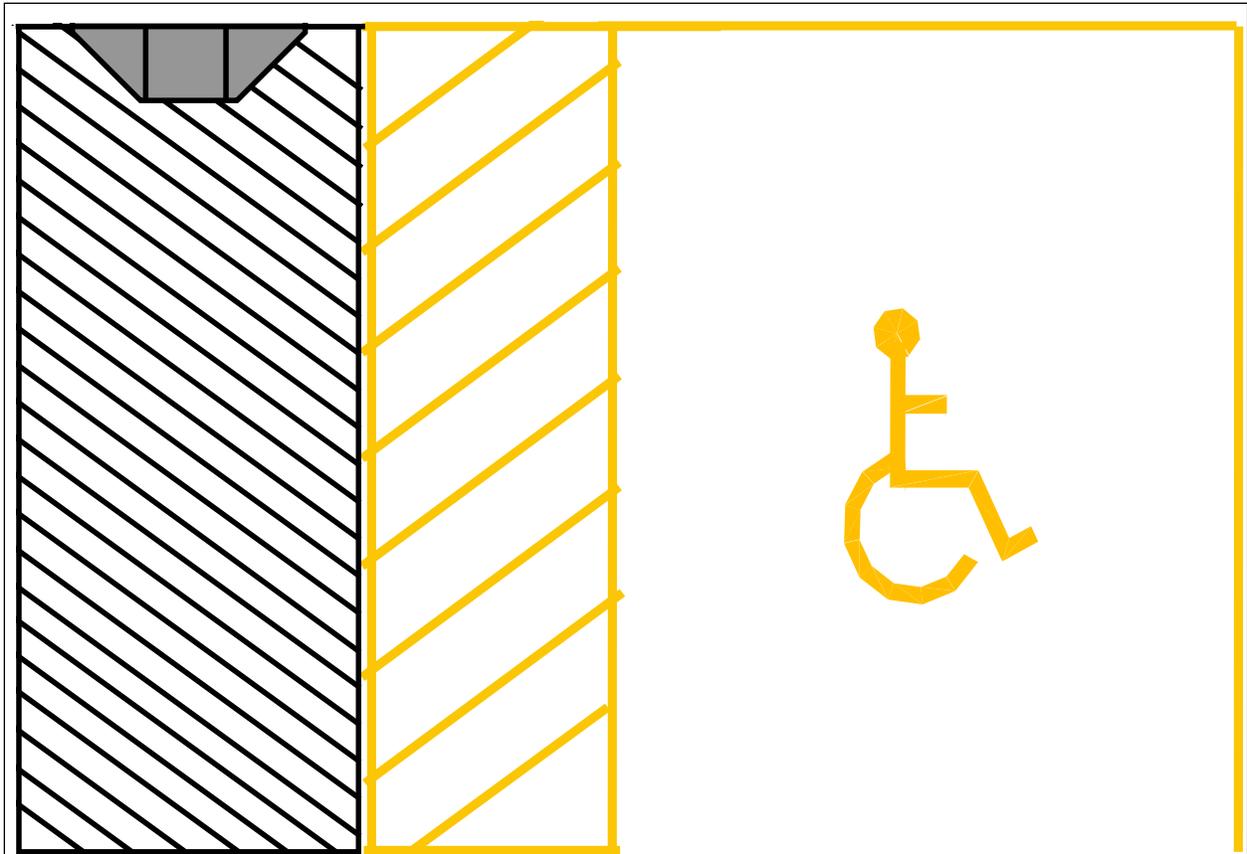


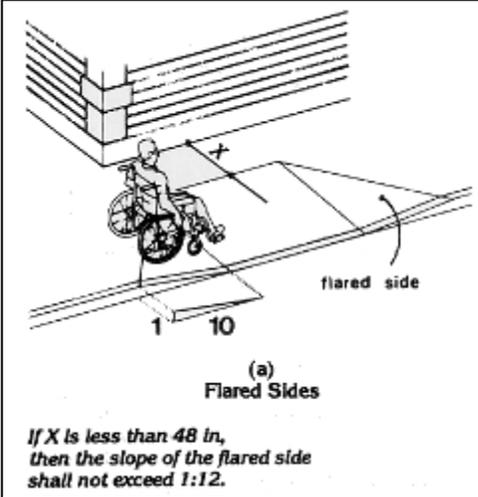
Figure 10. Curb Ramp next to access aisle.

If the ramp leads into a vehicular traffic way, have a 2 ft. x 4 ft. detectable warning patch that begins 6 in. back from the foot of the curb.

A ramp must have flared sides if the curb ramp is located where pedestrians must walk across the ramp or if it is not protected by handrails or guardrails. The maximum slope of the flare must be 1:10 (however, a slope of 1:12 is preferable).

If an accessible route’s ground surface includes a change in level greater than ½ in., it must be accomplished by means of a ramp that:

- Has level landings at the bottom and top



- Landings must:
 - Be at least as wide as the ramp run leading to it
 - Be a minimum of 60 in. clear width
 - Be 60 in. x 60 in. if the ramp changes direction at the landing
- Includes handrails on both sides if the ramp has a rise greater than 6 in. or a horizontal projection greater than 72 in.
- Has a cross slope that is no greater than 1:50
 - Has a curb, wall, railing or projecting surface that prevents people from slipping off the ramp if the ramp has a drop-off of 2 in. or greater.

c) Vertical Clearances

A minimum 98-inch-high clearance at all accessible parking spaces, access aisles, and vehicular routes to and from the accessible parking space must be provided.

When measuring the width of accessible parking spaces and access aisles, measurements must be made from the centerline of the markings. However, when an accessible parking space or access aisle is not adjacent to another accessible parking space or access aisle, measurements may include the full width of the line defining the parking space or access aisle.

As seen in the graphic to the right, the measurement of the access aisle must be made from the centerline of the markings defining it because it is adjacent to an accessible parking space. However, the measurements of the accessible parking spaces can include the full width of the lines defining the outside borders of the spaces because they are adjacent to a sidewalk.



d) Accessible Route

The ground surfaces for accessible routes, access aisles, and accessible parking spaces must be stable, firm, slip-resistant and have a cross slope that is no greater than 1:50 (meaning there is rise of no more than 1 in. over 50 in. of surface), or 2%. An accessible route with a running slope greater than 1:20 is considered a ramp and shall comply with the requirement of accessible ramps, as discussed above.

Accessible routes must have a minimum of 80 in. vertical clearance; if the vertical clearance of an area adjoining the route is less than 80 in., a barrier to warn blind or visually impaired persons must be provided. Where possible, it is preferable that the accessible route not pass behind parked vehicles.

Accessible routes do not require any markings unless they cross or share a vehicular traffic way, in which case the route must be marked with lines defining their boundaries and additionally be marked throughout with slanted lines (“hashed out”).

The minimum clear width of the route must be 36 in. except at doors, where the minimum clear width must be 32 in. If an accessible route has less than 60 in. clear width, passing spaces at least 60 in. x 60 in. must be located at reasonable intervals, not to exceed 200 ft. T-intersections of two corridors or walks are acceptable passing places. If an entire accessible route is less than 200 ft. long, no passing space is required.

Acceptable ground surfaces include concrete and asphalt. One exception is a gravel or dirt parking lot, which must provide concrete or asphalt accessible routes and access aisle pads, but the accessible parking spaces may have a gravel or dirt surface.

7. OTHER REGULATIONS

Other City of Wichita regulations can also affect accessibility. These include, but are not limited to, the following:

Parking Barriers. Bumper Blocks, Rails, Fencing, Retaining Walls, Raised Curbs, must be installed adjacent to accessible routes to preclude vehicle encroachment into the access aisle. Bumper blocks shall be at least six feet long with a minimum cross section of 4" x 4".

One-Way Aisles and Approaches. One-way signing must be installed at entrance and exits of one-way drives—even on private property. Accessible spaces on one-way drives must have access aisles on both sides so both a driver and passenger may use the aisle. One-way aisles prevent vehicles from backing into a shared access aisle.

Minimum Widths. One-way drives must be a minimum of thirteen feet (13') wide and two-way drives must be a minimum of twenty-four feet (24') wide, as measured at the property line. No drive approach shall exceed thirty feet (30') unless approved by the City Engineer.

Standard Specifications. Driveways constructed within the street right-of-way shall conform to the City of Wichita's *Specifications for Private Sidewalks & Driveway Work*.

8. MUNICIPAL ACCESSIBLE PARKING ORDINANCES

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 place, alter, repair, or modify the layout and arrangement of parking spaces 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.

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 space 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 spaces may be either white or yellow, whichever provides better contrast. The international symbol of accessibility may, when striped on the parking lot space, may be either white or yellow. Non-compliance with the Federal Manual on Uniform Traffic Control Devices or any other law, rule, standard, or ordinance with regard to parking lot striping shall not be considered a defense to Section 11.52.020(25) if such signage or striping provides reasonable notice of the presence of accessible parking.
- 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.

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.

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.

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 be a corporation, the application shall give the name and addresses of each stockholder possessing twenty percent or more of the stock of the corporation shall be stated thereon;

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 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.

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.

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.
- (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).

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.

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.

18.14.100. Service of notice 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 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 the Sedgwick County. A renter may be served at the address served by the lot striped.

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.

11.52.020(25). Unlawful parking (in pertinent part).

It is unlawful, except when necessary to avoid conflict with other traffic or in obedience to traffic regulations or the directions of traffic control devices or a police officer:

...
(25) [Accessible Parking Violations]

- (a)
1. For any person or operator to stop or park a vehicle, as defined in K.S.A. 8-126 and amendments thereto, in any parking space designated as handicapped or disabled parking without having on their person a current and valid individual identification card, or state or county receipt for a temporary placard, and properly displaying a current and valid special license plate, permanent placard, disabled veteran license plate, or temporary placard issued pursuant to K.S.A. 8-161 or K.S.A. 8-1,125, and any amendments thereto, and such vehicle is actually being operated by or used for the transportation of a disabled person or disabled veteran.
 2. For the purposes of this section, permanent or temporary placards must be suspended from the front windshield rearview mirror of a vehicle utilizing a parking space reserved for persons with disabilities so as to be maximally visible from the outside of the vehicle. When there is no rearview mirror, the placard shall be displayed on the dashboard. Special license plates or disabled veteran license plates must be displayed on the vehicle in compliance with K.S.A. 8-133, and any amendments thereto.
- (b) For any person or operator to stop, stand or park a vehicle, as defined in K.S.A. 8-126 and amendments thereto, so that it blocks access to a designated handicapped parking space, access ramp, or access area. For purposes of this subsection, “access ramp” shall be defined to be that area of whatever dimension or configuration immediately adjacent to a designated disabled accessible parking space that is marked in any manner indicating it is to be used in conjunction with such designated disabled accessible parking space. “Access area” shall be defined to be that area of whatever dimension or configuration immediately adjacent to a designated disabled accessible parking space that is marked in any manner indicating it is to be used in conjunction with such disabled accessible parking space,
- (c) Violation of subsections (25)(a) or (25)(b) of this section is a misdemeanor punishable by a fine of not less than one hundred dollars,
- (d) For any person or operator to stop or park a vehicle, as defined in K.S.A. 8-126 and amendments thereto, in any parking space designated as handicapped or disabled parking without properly displaying, as required by subsection (25)(a)(ii) of this section, a current and valid special license plate, permanent placard, disabled veteran license plate, or temporary placard issued to such person or operator pursuant to K.S.A. 8-161 or K.S.A. 8-1,125, and any amendments thereto, and such vehicle is actually being operated by or used for the transportation of a disabled person or disabled veteran.
- (e) Violation of subsection (25)(d) of this section is a misdemeanor punishable by a fine of not less than fifty dollars,

- (f) Persons operating vehicles that meet the requirements set forth in subsection (25)(a) of this section may back into public parking spaces or park diagonally in two regular parking spaces if there are no handicapped parking spaces available,
- (g) Public and private handicapped parking spaces shall conform to the requirements set forth in K.S.A. 8-1,128,
- (h) The provisions of subsections (25) and (26) of this section shall be enforced on public and private property, and shall be applicable twenty-four hours a day. Private security personnel shall have authority to issue citations on private property that is under the control of such private security personnel's employer,
- (i) Current and valid official identification devices issued to a person with a disability by any other state, district, territory or political subdivision in conformity with federal law shall be recognized as acceptable identification for purposes of subsection (25)(a) of this section, except those issued to persons who have been residents of Kansas for at least sixty days. Identification devices issued by private entities shall not constitute acceptable identification for the purposes of subsection (25)(a) of this section,
- (j) The imposition of the fine established in subsections (25)(c), (25)(e) and (26)(d) of this section shall be mandatory and the court shall not waive, remit, suspend, parole or otherwise excuse the payment thereof, except that the court may order that the defendant perform community service specified by the court but such an order shall be entered only after the court has required the defendant to file an affidavit of such defendant's financial condition as required by Section 1.04.210(e) and amendments thereto, and the court has found from the information contained in the affidavit that the defendant is financially unable to pay the fines imposed;
- (k) For purposes of this section, 11.52.020, "handicapped or disabled parking space" shall be defined as set forth at K.S.A. 8-1,128 and any amendments thereto. However, the terms "access ramp" and "access area" shall have the more broadly described definitions found within this subsection (25 of 11.52.020).

(26) [Accessible Parking Identification Required]

...

It is unlawful, except when necessary to avoid conflict with other traffic or in obedience to traffic regulations or the directions of traffic control devices or a police officer:

- (a) For any person to utilize an accessible parking identification device which has expired or has been revoked or suspended by the secretary of revenue pursuant to subsection (c) of K.S.A. 8-1,125, and amendments thereto, or K.S.A. 8-1,130b, and amendments thereto,
- (b) For any person to utilize an accessible parking identification device issued to another person, agency or business, to park in any parking space designated as handicapped or disabled parking or to otherwise utilize the parking privileges granted to persons with disabilities in K.S.A. 8-1,126, and amendments thereto, except when transporting or arriving to transport a person with a disability to whom or for whom the identification device was issued.
- (c) For any person to display or cause or permit to be displayed, or to have in possession any accessible parking placard or accessible parking identification card knowing the same to be fictitious or to have been canceled, revoked, suspended or altered,
- (d) A violation of subsection (26)(a), (26)(b) or (26)(c) of this section is a misdemeanor punishable by a fine of not less than one hundred dollars and no more than three hundred dollars;

9. CASE LAW AND STATE STATUTES

City of Wichita v. Basgall, 894 P.2d 876, 257 Kan. 631 (Kan. 1995).

“Where a municipal ordinance merely enlarges on the provisions of a statute by requiring more than is required by the statute, there is no conflict between the two.”

“It is contrary to the intent and purposes of federal and state legislation to hold, for instance, that there could be no penalty for parking in an [non-compliant access aisle or space].”

K.S.A. § 8-2114. [Presumption of Registered Owner of Vehicle Was Vehicle Operator]

“In any prosecution charging a violation of any law or regulation governing the stopping, standing or parking of a vehicle, proof that the particular vehicle described in the complaint was in violation of any such law or regulation, together with proof that the defendant named in the complaint was at the time of the violation the registered owner of such vehicle, shall constitute in evidence a prima facie presumption that the registered owner of such vehicle was the person who parked or placed such vehicle at the point where, and for the time during which, such violation occurred.”

K.S.A. § 8-1,126. Parking privileges for persons with disability.

When a motor vehicle which bears a special license plate or placard issued pursuant to K.S.A. 8-1,125, and amendments thereto, is being operated by or used for the transportation of a person with a disability, such motor vehicle:

- a) May be parked in any parking space, whether on public or private property, which is clearly marked as being reserved for the use of persons with a disability or persons responsible for the transportation of a person with a disability, except a parking space on private property which is clearly marked as being reserved for the use of a specified person with a disability;
- b) may be parked for a period of time not to exceed 24 hours in any parking zone which is restricted as to the length of parking time permitted, except where stopping, standing or parking is prohibited to all vehicles, where parking is reserved for special types of vehicles or where parking would clearly present a traffic hazard; and
- c) shall be exempt from any parking meter fees of the state or any city, county or other political subdivision.

K.S.A. § 8-1,129. Unlawful parking in accessible parking; blocking access ramp or aisle; penalties.

- (a) At no time, except when necessary to avoid conflict with other traffic, or in compliance with the law or the directions of a law enforcement officer or official traffic-control device, shall a person:
 1. Stop, stand, or park a vehicle, as defined in K.S.A. 8-126 and amendments thereto, in any parking space designated as accessible parking without displaying a special license plate, permanent placard or disabled veteran license plate and an individual identification card, or a valid temporary placard. Placards shall be displayed in accordance with subsection (a) of K.S.A. 8-1,125, and amendments thereto;
 2. stop, stand or park a vehicle so that it blocks an access entrance;
 3. stop, stand or park a vehicle so that it blocks a disabled parking space;
 4. stop, stand or park a vehicle so that it blocks an access aisle; or
 5. stop, stand or park a vehicle in an access aisle between or beside a designated accessible parking space

- (b) Each violation of subsection (a) is an unclassified misdemeanor punishable by a fine of not less than \$50 nor more than \$100.
- (c) The provisions of subsection (a) shall be enforced by law enforcement officers on public and private property.

K.S.A. § 8-1,130. Falsely obtaining accessible parking identification; penalties.

- a) Any person who willfully and falsely represents that such person has the qualifications to obtain a special license plate, a permanent placard and an individual identification card or temporary placard pursuant to this act shall be guilty of a class C misdemeanor.
- b) Any person authorized to certify a person with a disability under subsection (a) of K.S.A. 8-1,125, and amendments thereto, who willfully and falsely certifies that a person has the qualifications to obtain a special license plate, a permanent placard and an individual identification card or temporary placard pursuant to this act shall be guilty of a class C misdemeanor.

8-1,130a. Unlawfully utilizing accessible parking identification device; penalties.

- a) Any person who has in such person's possession any accessible parking identification device which has expired or has been revoked or suspended by the secretary of revenue pursuant to subsection (c) of K.S.A. 8-1,125, and amendments thereto, or K.S.A. 8-1,130b, and amendments thereto, shall be guilty of an unclassified misdemeanor punishable by a fine of not less than \$100 nor more than \$300.
- b) Any person who utilizes any accessible parking identification device issued to another person, an agency or a business, to park in any parking space specified in K.S.A. 8-1,126, and amendments thereto, which could be utilized by a person with a disability, except when transporting or arriving to transport a person with a disability to whom or for whom the identification device was issued shall be guilty of an unclassified misdemeanor punishable by a fine of not less than \$100 nor more than \$300.