

CITY OF THE COLONY, TEXAS

**ORDINANCE NO. 2013-2035
HANDICAPPED ACCESSIBLE PARKING REGULATIONS**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF THE COLONY, TEXAS, AMENDING OF THE CODE OF ORDINANCES, CHAPTER 19, SECTION 19-25 TO 19-27, BY REPEALING IN ITS ENTIRETY AND REPLACING WITH A NEW CHAPTER 19, SECTIONS 19-25 THROUGH 19-27, BY PROHIBITING THE PARKING IN DISABLED PARKING SPACES UNLESS SUCH VEHICLE IS PROPERLY IDENTIFIED BY LICENSE PLATES OR PLACARDS ISSUED BY THE TEXAS DEPARTMENT OF TRANSPORTATION; PROHIBITING THE BLOCKING OF AN ARCHITECTURAL IMPROVEMENTS DESIGNED TO AID PERSONS WITH DISABILITIES; ESTABLISHING A REBUTTABLE PRESUMPTION THE REGISTERED OWNER PARKED A VEHICLE IN A DISABLED PARKING SPACE; DISPENSING WITH A CULPABLE MENTAL STATE; ESTABLISHING STANDARDS AND SPECIFICATIONS FOR DISABLED PARKING SPACES AND SIGNAGE FOR THE CITY; AND BY AMENDING THE CODE OF ORDINANCES, APPENDIX A, SECTION 13, ENTITLED "VEHICLE PARKING REGULATIONS," BY ADDING A NEW SECTION 13-200, ENTITLED "ACCESSIBLE PARKING FOR PHYSICALLY HANDICAPPED PERSONS;" ESTABLISHING NUMBER OF SPACES, MINIMUM DIMENSIONS, LOCATION OF SPACES, AND SIGNS AND MARKINGS FOR HANDICAPPED PARKING SPACES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A PENALTY OF A FINE NOT LESS THAN \$500.00 AND NO MORE THAN \$750.00 FOR EACH AND EVERY OFFENSE UNLESS ENHANCED CONSISTENT WITH SECTION 681.011(H) TO (K) OF THE TEXAS TRANSPORTATION CODE, AS AMENDED; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council has discussed and considered such revisions and has determined that it is in the best interest of the City of The Colony, Texas, to repeal the current Chapter 19, Sections 19-25 to 19-27 of the Code of Ordinances, and replace with a new Chapter 19, Sections 19-25 to 19-27 regarding the regulation of disabled parking spaces within the City of The Colony, Texas, in accordance with State law.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF THE COLONY, TEXAS:

SECTION 1. The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

SECTION 2. That the Code of Ordinances of the City of The Colony, Texas be, and the

same is, hereby amended by repealing in its entirety Chapter 19, Sections 19-25 to 19-27, and replace it with a new Chapter 19, Sections 19-25 through 19-27, which shall read as follows:

“Sec. 19-25. Disabled Parking - Presumption; violations; penalty.

- (a) For purposes of this section, a disabled person is a person with a disability as defined by V.T.C.A., Transportation Code § 681.001, as amended.
- (b) It shall be unlawful for any person to park a motor vehicle in a handicap park space, as designated herein, unless such vehicle is properly identified by license plates or placards issued by the state department of transportation issued to persons with disabilities, or for any conduct which constitutes an offense under V.T.C.A., Transportation Code § 681.011, as amended.
- (c) A person commits an offense if the person parks a vehicle so that the vehicle blocks an architectural improvement designed to aid persons with disabilities including, but not limited to, an access or curb ramp.
- (d) If any vehicle is found to be in violation of any provision of this Section, and the identity of the driver cannot be determined, the owner or person in whose name such vehicle is registered is presumed to be the person who parked said vehicle at the time and place the offense occurred. This presumption is rebuttable and shall have the effects and consequences set forth in V.T.C.A., Penal Code § 2.05. The State Department of Transportation’s computer-generated record of the registered vehicle owner is prima facie evidence of the contents of the record.
- (e) Any person violating any provision of this Section shall be fined an amount not less than \$500.00 or more than \$750.00 and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues. Enhancements to this penalty shall be consistent with V.T.C.A., Transportation Code § 681.011(h) to (k), as amended.
- (f) Allegation and evidence of a culpable mental state is not required for the proof of an offense defined by this section.

Sec. 19-26. Handicapped or disabled parking.

- (a) The City Council hereby adopts as the standards and specifications for disabled parking spaces and signage for the City, the standards and specifications adopted by the State Commission of Licensing and Regulation, as stated in V.T.C.A., Transportation Code § 681.009, being those standards and specifications adopted by the American National Standards Institute, as they may be amended. A copy of these standards and specifications may be obtained from the office of the City Secretary, office of the City Engineer or Chief Building Official.
- (b) The City, and any person who owns or controls private property, shall designate a parking space or area by conforming to the standards and specifications herein adopted, relating to the identification and dimension of parking spaces for persons with disabilities.

- (c) The City may provide, at cost, a design and stencil for use to designate spaces as provided by this Section. The design and stencil may also be obtained at cost from the State commission of Licensing and Regulations.
- (d) The City Engineer shall designate the areas to be utilized as handicap parking spaces consistent with this Chapter and state law requirements as may be adopted by the State Commission of Licensing and Regulation. The City Engineer shall direct the installation of signals, signs and other traffic-control devices as may be required for the designation of handicapped parking spaces.
- (e) All records, including the standards and specifications adopted herein, pertaining to the designation of handicapped parking areas shall be maintained by the office of the City Engineer and shall be available for review by the public during regular business hours.
- (f) The placement of a handicap parking sign, as approved by the City Engineer, shall be prima facie evidence that the signage is installed and maintained pursuant to the authority granted herein, in proper position, and in full force and effect.

Sec. 19-27. Reserved.”

SECTION 3. That Appendix A, Section 13 of the Comprehensive Zoning Ordinance of the City of The Colony, Texas, entitled “Vehicle Parking Regulations,” is hereby amended by adding a new Section 13-200, which shall read as follows:

“13-200. Accessible Parking for Physically Handicapped Persons

A portion of the total number of required off-street parking spaces in each off-street parking area shall be specifically designated, located, and reserved for use by persons with physical disabilities.

- (a) *Number of spaces.* The minimum number of accessible spaces to be provided shall be a portion of the total number of off-street parking spaces required, as determined from the schedule found in Table 13-200. If only one (1) accessible parking space is required, it shall be a van accessible space. Parking spaces reserved for persons with disabilities shall be counted toward fulfilling the overall off-street parking standards.
- (b) *Minimum dimensions.* All parking spaces reserved for persons with disabilities shall comply with the parking space dimensional standards of the American with Disabilities Act (ADA), provided that access aisles shall be provided immediately adjacent to such spaces, as follows:
 - (1) Car-Accessible Spaces: Car-accessible spaces shall have at least a five (5) foot wide access aisle located adjacent to the designated parking space.
 - (2) Van-Accessible Spaces: Van-accessible spaces shall have at least an eight (8) foot wide access aisle located adjacent to the designated parking space.

Table 13-200
Minimum Handicap Accessible Parking Space Determination Table

Total Parking Spaces Provided	Accessible Spaces Required
1-25	1 van
26-50	1 std. + 1 van
51-75	2 std. + 1 van
76-100	3 std. + 1 van
101-150	4 std. + 1 van
151-200	5 std. + 1 van
201-300	6 std. + 1 van
301-400	7 std. + 1 van
401-500	7 std. + 2 van
501-1,000	2% of total spaces*
1,001 and over	20 + (1 per 100 over 1000)*

Standard Accessible (std.) parking space is eight (8) foot minimum + five (5) foot access aisle.

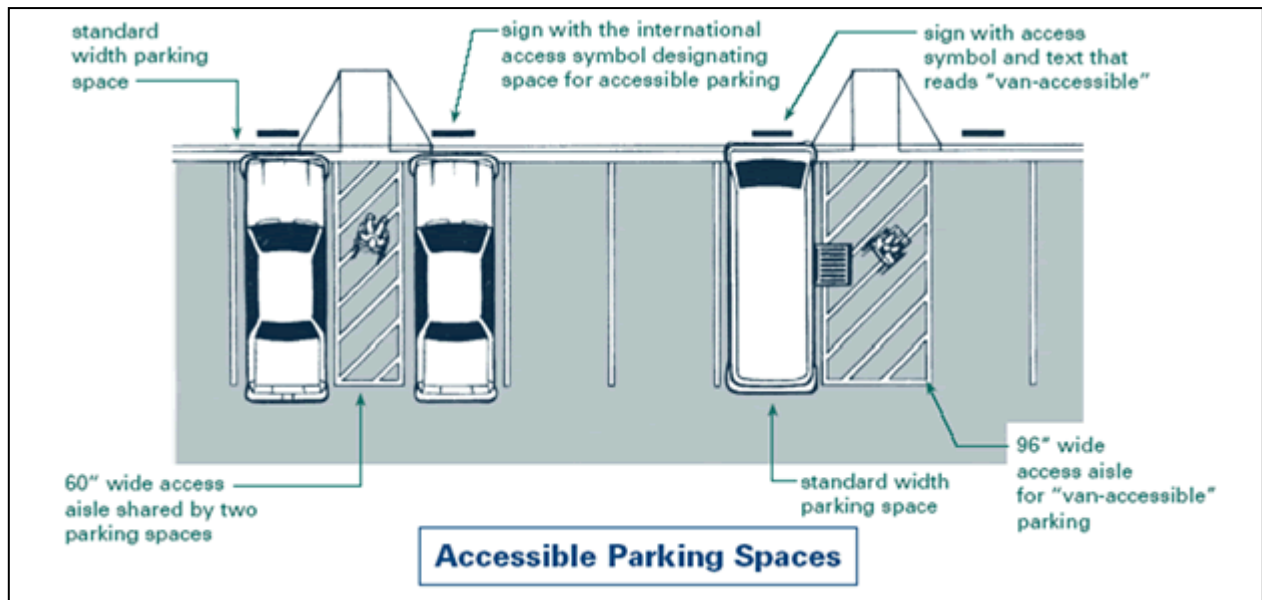
* One (1) in every eight (8) accessible parking spaces must be a van accessible space with an eight (8) foot wide access aisle.

- (c) *Location of spaces.* Accessible parking spaces serving a particular building shall be the spaces closest to the accessible entrance and be located on level ground. If it is not readily achievable to locate accessible parking in the closest spaces due to sloped pavement or other existing conditions, then the closest level area shall be selected.
- (d) *Accessible Route.* An accessible route shall be located so that users are not required to wheel or walk behind parked vehicles (except the one they operate or in which they are a passenger) or in traffic lanes.

An accessible route shall be provided between the access aisle and the accessible building entrance. This route shall have no steps or steeply sloped surfaces and it shall have a firm, stable and slip-resistant surface.

- (2) In parking facilities that do not serve a particular building, accessible parking shall be located on the shortest accessible route of travel to an accessible pedestrian entrance of the parking facility.
- (3) In buildings with multiple accessible entrances with adjacent parking, accessible parking spaces shall be dispersed and located closest to the accessible entrances.
- (4) Parallel parking is discouraged unless it can be situated so that persons entering and exiting vehicles will be out of the flow of traffic. If parallel parking is located on a street, driveway, or any other area where vehicular traffic exists, the space shall be designed and located so that users are out of the flow of traffic.

Figure 13-200



- (e) *Signs and marking.* Required spaces for persons with disabilities shall be identified with signs and pavement markings identifying them as reserved for persons with disabilities. Each accessible parking space shall be designated by a sign displaying the International Symbol of Accessibility. The installation of signs and pavement markings shall conform to the standards herein.

Van accessible spaces shall have an additional sign "Van-Accessible" mounted below the symbol of accessibility. Characters and symbols on such signs shall be located a minimum of sixty (60) inches above the ground, floor or paving surface so they cannot be obscured by a vehicle parked in the space."



SECTION 4. If any section, article paragraph, sentence, clause, phrase or word in this ordinance, or application thereto any persons or circumstances is held invalid or unconstitutional by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this ordinance; and the City Council hereby declares it would have passed such remaining

portions of this Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

SECTION 4. That all provisions of the Ordinances of the City of The Colony, Texas, in conflict with the provisions of this ordinance be, and the same are hereby amended, repealed, and all other provisions of the Ordinances of the City not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 5. This Ordinance shall become effective from and after its date of passage in accordance with law.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF THE COLONY, TEXAS, THIS 3rd day of December , 2013.

/s/Joe McCourry, Mayor

ATTEST:

/s/Christie Wilson, City Secretary

APPROVED AS TO FORM:

/s/Jeff Moore, City Attorney