

ORDINANCE NO. 076, SERIES 2020

AN ORDINANCE AMENDING LOUISVILLE METRO CODE OF ORDINANCES CHAPTER 72 TO EXPAND AND ENHANCE PROTECTIONS AND ACCOMMODATIONS FOR ACCESSIBLE PARKING (AS AMENDED).

SPONSORED BY: COUNCIL MEMBERS COAN AND HOLLANDER

WHEREAS, Louisville strives to be a city of inclusivity where all citizens may enjoy, participate and connect in our shared experiences; and

WHEREAS, Louisville Metro Council takes pride in playing its part to ensure our city is open and accessible to all of its residents and visitors; and

WHEREAS, to help fulfill that mission, Louisville Metro Council believes changes are warranted to the Accessible Parking Ordinance to expand and enhance protections granted under Louisville Metro Code of Ordinances (“LMCO”) Chapter § 72.001-007 for accessible parking.

NOW, THEREFORE, BE IT ORDAINED BY THE LEGISLATIVE COUNCIL OF METRO GOVERNMENT (THE COUNCIL), AS FOLLOWS:

SECTION I: LMCO § 72.001 is hereby amended as follows:

§ 72.001 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ACCESSIBLE PARKING. Parking set aside for persons with disabilities, which limit or impair the ability to walk as defined in KRS 186.042. The specifications of accessible parking are set forth in §72.002.

ACCESS AISLE. A designated space for the maneuvering of a wheelchair or other mobility device when entering or exiting a vehicle, and that is immediately adjacent to a

properly designated accessible parking space. Such spaces shall be marked pursuant to LMCO §72.002.

LEVEL GROUND. Level ground means having a slope that is no greater than 1:50 in all directions.

PERSON WITH A DISABILITY. Any person who has a severe visual, audio, or physical impairment, including partial paralysis, lower limb amputation, chronic heart condition, emphysema, arthritis, rheumatism, or other debilitating condition which limits or impairs one's ~~personal mobility or ability to walk~~ as defined in KRS 186.042.

PERSON WITH A TEMPORARY DISABILITY. Any person who has a severe temporary visual, audio, or physical impairment, including partial paralysis, heart condition, emphysema, arthritis, rheumatism, or other debilitating condition, which limits or impairs one's ~~personal mobility~~ ability to walk as defined in KRS 186.042.

VAN ACCESSIBLE PARKING. Van parking set aside for persons with disabilities which limit or impair one's ability to walk as defined in KRS 186.042. The specifications of van accessible parking are set forth in §72.002.

SECTION II: LMCO § 72.002 is hereby amended as follows:

§ 72.002 ACCESSIBLE PARKING SPACES REQUIRED; SPECIFICATIONS.

(A) All owners of off-street parking facilities intended for public use shall have a number of level parking spaces as set forth in the ~~following table~~ current ADA Accessibility Guidelines, with each space identified by an above grade sign as reserved for accessible parking. ~~Each~~ The boundaries of all accessible reserved parking spaces and access aisles shall be so designated in a way that is clearly visible both day and night. ~~Accessible parking spaces shall be either 12 foot wide or eight foot wide with a~~

~~five-foot attached designated walkway access aisle all placed on level ground. Van accessible parking spaces shall be either 16 foot wide or 11 foot wide with a five-foot attached access aisle or eight (8) foot wide with an eight-foot attached access aisle all placed on level ground. The five-foot or eight-foot adjacent walkway access aisles may be contiguous to, and shared by, two eight-foot wide or wider parking spaces. Access aisles shall be marked with yellow, blue or white diagonal hash lines by striping that is are clearly visible both day and night. and Each access aisle, that is at least 8 feet wide, shall include clearly visible "No Parking" text within the space of the access aisle itself or on a free-standing sign that does not hinder the usability or accessibility of the access aisle. Either on or affixed to each above grade sign required by this subsection shall be a clearly visible warning that states the maximum fine according to state law.~~

~~(B) The number of accessible spaces shall be as follows:~~

Total Number of Parking Spaces in Parking Facility (Lot or Garage)	Minimum Total Number of Accessible Parking Spaces Required	Minimum Number of Van Accessible Parking Spaces
1-25	1	1
26-50	2	1
51-75	3	1
76-100	4	1
101-150	5	1
151-200	6	1
201-300	7	2
301-400	8	2

401-500	9	2
501-1,000	2% of total	1/6 of all accessible parking
1,001 and over	20, plus 1 for each 100, or fraction thereof, over 1,000	1/6 of all accessible parking

~~Total~~ ~~Parking~~ ~~Spaces~~ ~~Required~~ ~~Number~~ ~~of~~
~~in Lot~~ ~~Accessible Spaces~~

~~0 to 3~~ ~~Optional~~

~~4 to 25~~ ~~1~~

~~26 to 50~~ ~~2~~

~~51 to 75~~ ~~3~~

~~76 to 100~~ ~~4~~

~~101 to 150~~ ~~5~~

~~151 to 200~~ ~~6~~

~~201 to 300~~ ~~7~~

~~301 to 400~~ ~~8~~

~~401 to 500~~ ~~9~~

~~501 to 1,000~~ ~~2% of total~~

~~Over 1,000~~ ~~20 plus 1 for each 200 over 1,000~~

(~~C~~B) Accessible parking spaces for a person with a disability or a temporary disability shall be located as close as possible to elevators, ramps, walkways, and entrances. Parking spaces shall be located so that the person with a disability or a temporary disability is not compelled to wheel or walk behind parked cars to reach entrances, ramps, walkways and elevators.

(D) Compliance with this section will be required of all new development. For all existing parking lots and structures, compliance will be required at the time that they are resurfaced, restriped, remodeled or reconfigured, if the facility can accommodate, based on height restrictions, a van accessible vehicle.

SECTION III: LMCO § 72.004 is hereby amended as follows:

(A) Any other provision to the contrary notwithstanding, a motor vehicle bearing an accessible parking placard or disabled license plate when operated by a person with a disability or a temporary disability or when transporting a person with a disability or a temporary disability may be parked in an accessible parking place or when parked where any parking limit is imposed may be parked for two hours in excess of such parking limit ~~at no additional charge~~. Such motor vehicle may be parked in a loading zone for that period of time necessary to permit entrance or exit of the ~~handicapped~~ person with a disability or a temporary disability from the building or entrance or exit of a person with a disability or a temporary disability from the parked vehicle, but in no circumstances longer than 30 minutes. This subchapter shall neither permit parking in a no stopping or no parking zone nor where parking is prohibited for the purpose of creating a fire lane or to accommodate heavy traffic during morning, afternoon, or evening hours, nor permit a motor vehicle to be parked in such a manner as to constitute a traffic hazard.

(B) An operator of a motor vehicle displaying a Purple Heart license plate issued by a Kentucky county clerk office may park his or her vehicle, without charge for two hours, at a metered parking space in Louisville Metro. This section does not exempt said vehicles from complying with any other state laws or ordinances, including, but not

limited to zones that prohibit stopping, parking, or standing of all vehicles; parking time limitations; street sweeping; restrictions of parking spaces; or the parking rules related to the operation of a street vending business. This section does not require Louisville Metro Government to designate specific parking spaces for vehicles displaying a Purple Heart license plate.

SECTION IV: LMCO § 72.006 is hereby added as follows:

§ 72.006 TOWING AND IMPOUNDMENT OF VEHICLES ILLEGALLY PARKED IN ACCESSIBLE SPACES AND ACCESS AISLES.

(A) Any vehicle parked in an access aisle, or any vehicle parked in a designated accessible parking space without a duly issued accessible parking placard or disabled license plate, on a public street or in an off-street parking facility offered for public use as defined in KRS 189.396 is declared to be a hazard which endangers the safety of those requiring usage of accessible parking.

(B) Any officer designated under §72.008 for enforcement of this chapter is hereby authorized to cause such illegally parked vehicles to be removed and impounded as provided in sections §72.060-064 and §72.128 herein.

(C) Pursuant to §72.128(D) the appeals process for such towing and impoundment is set forth in §72.129-134.

SECTION V: LMCO § 72.006 is hereby amended as follows:

§ 72.0067 PENALTY.

(A) Any person or business that violates § 72.002 shall be fined not less than \$100 or more than \$250. Each day that said person or business is in violation shall constitute a separate offense.

(B) An owner/lessor, be it a person or business, shall be deemed to be notified of the violation of § 72.002 30 days after the lessee of the property in question is notified by certified mail, return receipt requested, of said violations by any law enforcement agency or official charged with the enforcement of this subchapter.

(C) The owner of any vehicle parked in an accessible parking space without a duly issued permit accessible parking placard or disabled license plate shall be fined in accordance with state law.

(D) The owner of any vehicle marked with a ~~special parking permit~~ an accessible parking placard or disabled license plate, which is not being used for the benefit of a disabled or temporarily disabled person, or while being used for the benefit of a person with a disability or a temporary disability exceeds the time limit set out above, shall be fined in accordance with state law.

(E) The owner of any vehicle parked in an accessible parking space with an expired accessible parking ~~permit~~ placard or disabled license plate shall be fined not less than \$100 nor more than \$250.

SECTION VI: LMCO § 72.007 is hereby amended as follows:

§ 72.0078 ENFORCEMENT.

Enforcement of this subchapter shall be by citation issued by sworn peace officers, duly elected constables of the Jefferson County, Metro Government, or PARC.

SECTION VII: This ordinance shall take effect upon its passage and approval.

Sonya Herward

Sonya Herward
Metro Council Clerk

David James

David James
President of the Council

Greg Fischer

Greg Fischer
Mayor

6/29/2020

Approval Date

APPROVED AS TO FORM AND LEGALITY:

MICHAEL J. O'CONNELL
Jefferson County Attorney

By: *Michelle Howard*

**LOUISVILLE METRO COUNCIL
READ AND PASSED
*June 25, 2020***

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