

## **PARKING FOR HANDICAPPED**

### **Chapter 143 of the Code of the Town of Amherst**

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Adopted by the Town Board of the Town of Amherst 10-17-83 as L.L. No. 3-1983. Effective 1-1-84 Amendments noted where applicable.

#### § 143-1. Purpose.

The purpose of this chapter is to regulate parking spaces designated for handicapped persons provided by owners or operators of parking areas or provided pursuant to any provision of state or local law, ordinance or regulation.

#### § 143-2. Definitions.

Words in this chapter are used in their ordinary meaning. The following terms have the meanings set forth, except where the context clearly indicates a different meaning:

**COMMERCIAL STRUCTURE** -- A structure containing one (1) or more offices or retail stores.

**HANDICAPPED PARKING SPACE** -- A parking space required to be available for use for handicapped persons or for vehicles registered in accordance with § 404-a of the New York State Vehicle and Traffic Law or operated under § 1203-a or required to be furnished under any other provision of state or local law, ordinance or regulation and any parking space designated for handicapped persons provided voluntarily by the owner or operator of a parking area.

**HANDICAPPED PERSON** -- A severely disabled person or a person temporarily unable to ambulate without the aid of an assisting device as defined respectively in § 404-a and 1203-a of the New York State Vehicle and Traffic Law.

#### § 143-3. Specifications.

The following specifications apply to handicapped parking spaces required to be furnished pursuant to this chapter or any other state or local law, ordinance or regulation.

- A) The paved portion of each required handicapped parking space may be marked with the international symbol of access.
- B) The minimum size of each required handicapped parking space shall be nine by nineteen (9 x 19) feet. Required handicapped parking spaces not adjacent to a sidewalk or driving lane on the longer axis shall be provided with a four-foot access aisle. Required handicapped parking spaces may be arranged so that an access aisle is located between and shared by two (2) spaces.
- C) Signs for required handicapped parking spaces.
  - 1) A sign or signs shall be provided to indicate spaces provided for handicapped persons. The sign shall be of the size and design prescribed in the New York State Manual of Uniform Traffic Control Devices, except that other signs which include the international symbol of access acquired prior to the enactment of this chapter may be used until December 31, 1988.
  - 2) The Commissioner of Buildings shall establish the height of signs identifying required handicapped parking spaces so that they are visible to motorists and pedestrians. [Amended 7-1-85 by L.L. No. 2-1985]

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- D) Number of handicapped parking spaces required. Except as otherwise provided by any provision of the New York State Vehicle and Traffic Law, the person, firm or corporation owning or operating a parking area serving a commercial structure and having at least twenty-five (25) off-street parking spaces shall designate therefrom, for use by handicapped persons only, at least one (1) of every twenty-five (25) spaces or fraction thereof, not exceeding one hundred (100) spaces. For parking areas having more than one hundred (100) parking spaces, the person, firm or corporation owning or operating it shall designate therefrom, for use by handicapped persons only, the number of spaces required for that purpose pursuant to the provisions of the New York State Building Construction Code. [Amended 12-19-83 by L.L. No. 5-1983]
- E) Location. Handicapped parking spaces shall be located as close as reasonably practicable to the facility or building served by the parking area and reasonably distributed so as to provide convenient access for use by handicapped persons.

#### § 143-4. Applicability.

- A. Every shopping center or facility with at least five (5) separate retail stores, having at least twenty (20) off-street parking spaces provided for use by the shopping public, except that the provisions of § 143-6A shall not apply to those regulated by the New York Vehicle and Traffic Law § 1203-c.
- B. Parking areas required to include handicapped parking spaces pursuant to the New York State Building Construction Code.
- C. Parking areas serving commercial structures erected before July 5, 1977, containing twenty-five (25) or more off-street parking spaces.
- D. Other parking areas in which parking spaces for handicapped persons having been voluntarily provided, if they are marked and signed as provided in § 143-3.

#### § 143-5. Enforcement.

The provisions of this chapter, the Vehicle and Traffic Law of the State of New York, the New York Building Construction Code and any other provision of state or local law, ordinance or regulation requiring the provisions of handicapped parking spaces and specifications for their size, marking and signing shall be enforced by the Town of Amherst Building Department. The provisions of the New York State Vehicle and Traffic Law and of this chapter prohibiting the use of handicapped parking spaces by other than handicapped persons or drivers of vehicles registered in accordance with § 404-a of the New York State Vehicle and Traffic Law and being used to transport a handicapped person shall be enforced by the Town of Amherst Police Department.

#### § 143-6. Prohibited conduct; penalties for offenses.

- A. No person shall stop, stand or park a vehicle in any area designated under this chapter as a handicapped parking space unless the vehicle bears a permit issued under § 1203-a or is registered under § 404-a of the New York State Vehicle and Traffic Law and the vehicle is being used for the transportation of a handicapped person. A violation

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of this subsection or of § 1203-c(4) of the Vehicle and Traffic Law shall be punished by a fine of twenty dollars (\$20.).

- B. No person, firm or corporation owning or operating a parking area within which handicapped parking spaces are required to be provided pursuant to this chapter or the provisions of the New York State Building Construction Code shall fail to provide the handicapped parking spaces required thereunder or under any other law or fail to comply with the specifications as to size, access, marking and signing contained in § 143-3 hereof. A violation of this subsection shall be punished by a fine not exceeding two hundred fifty dollars (\$250.).

NOTE: The following table is from the New York State Uniform Fire Prevention and Building Code, Subchapter B, section 1101.1 (9NYCRR).

TABLE I-1101 - REQUIRED NUMBER OF ACCESSIBLE PARKING SPACES

Total Parking Spaces in Lot or Garage	Number <sup>1,2,3</sup>
1 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 percent of total
Over 1,000	20 plus 1 for each 100 over 1,000

<sup>1</sup> For a shopping center or facility having at least five separate retail stores and at least 20 but not more than 500 public off-street parking spaces, a minimum of five percent of the total number of parking spaces or 10 spaces, whichever is less.

<sup>2</sup> For an outpatient medical unit or facility, a minimum of 10 percent of the total number of parking spaces serving each such unit or facility.

<sup>3</sup> For a facility which specializes in treatment or services for persons with mobility impairments, a minimum of 20 percent of the total number of parking spaces.