



STATE OF DELAWARE
STATE COUNCIL FOR PERSONS WITH DISABILITIES
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April 3, 2013

The Honorable Vance A. Funk
Mayor of Newark
Newark Municipal Building
220 South Main Street
Newark, DE 19711

RE: Accessible Parking Signage Requirements

Dear Mayor Funk:

I write on behalf of the State Council for Persons with Disabilities (SCPD) regarding the implementation of H.B. 172 (attached) which was signed by the Governor on July 3, 2003. Consistent with the synopsis, this bill requires county governments and the governments of incorporated municipalities to adopt regulations or ordinances regarding signage on parking spaces for use by persons with disabilities. The regulations and ordinances must include enforcement and penalty provisions, as well as a provision which requires that a warning be issued to give an offender 30 days to comply with signage requirements. This bill was companion legislation to H.B. 447 which was enacted into in 2002 and amended parking laws regarding persons with disabilities.

SCPD is charged in 29 Del.C. Section 8210 with the responsibility of proposing and promoting legislation, regulations and policies to improve the lives of individuals with disabilities. Council respectfully requests the appropriate regulations and/or ordinances which satisfy the mandates of H.B. 172. Please provide this information by April 30, 2013.

Thank you for your consideration and please contact SCPD if you have any questions or comments regarding this issue.

Sincerely,

A handwritten signature in cursive script that reads "Daniese McMullin-Powell".

Daniese McMullin-Powell, Chairperson
State Council for Persons with Disabilities

cc: The Honorable Deborah Hudson
The Honorable John Viola
Council – City of Newark
Carol S. Houck, City Manager
Developmental Disabilities Council
Governor’s Advisory Council for Exceptional Citizens
P&I/policy letters/access parking county-cities-Newark 4-3-2013



SPONSOR: Rep. Hudson & Sen. Henry

HOUSE OF REPRESENTATIVES

142nd GENERAL ASSEMBLY

HOUSE BILL NO. 172

AN ACT TO AMEND TITLE 9 AND TITLE 22 OF THE DELAWARE CODE RELATING TO SIGNAGE ON PARKING SPACES OR ZONES DESIGNATED FOR USE BY PERSONS WITH DISABILITIES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE (Two-thirds of all members elected to each house thereof concurring therein):

1 Section 1. Amend Chapter 3, Title 9 of the Delaware Code by adding thereto a new section to read:

2 "§310. Parking spaces for use by persons with disabilities.

3 (a) The county government of each of the 3 Delaware counties shall, on or before January 1, 2004, and the
4 municipal government of each incorporated municipality within each county shall, on or before March 1, 2004, adopt
5 regulations or ordinances regarding the duty of individuals and artificial entities to erect and maintain signage on parking
6 spaces or zones for use by persons with disabilities.

7 (b) The signage regulations or ordinances adopted pursuant to subsection (a) of this section must include an
8 enforcement provision, a penalty provision, and a provision which requires an enforcement officer to first issue a written
9 warning to an individual or artificial entity who is required to erect and maintain signage, but has failed to do so. If, after
10 30 days from the date that a warning is issued, the individual or artificial entity has not erected and/or maintained the
11 required signage, the enforcement officer may issue a summons or apply for a warrant in the name of the offending
12 individual or artificial entity.

13 (c) A municipality may elect to adopt the signage regulations or ordinances of the county government of the
14 county in which the municipality is located. A municipality which elects to do so may also adopt additional regulations or
15 ordinances as required by its own particular conditions. Whether a municipality adopts its own signage regulations or
16 ordinances, or adopts the regulations or ordinances of the county along with additional regulations or ordinances to meet
17 particular conditions, the municipality's adopted regulations or ordinances may not be less restrictive than those of the
18 county."

19 Section 2. Amend Chapter 1, Title 22 of the Delaware Code by adding thereto a new section to read:

20 "§110. Parking spaces for use by persons with disabilities.

21 (a) The county government of each of the 3 Delaware counties shall, on or before January 1, 2004, and the
22 municipal government of each incorporated municipality within each county shall, on or before March 1, 2004, adopt
23 regulations or ordinances regarding the duty of individuals and artificial entities to erect and maintain signage on parking
24 spaces or zones for use by persons with disabilities.

25 (b) The signage regulations or ordinances adopted pursuant to subsection (a) of this section must include an
26 enforcement provision, a penalty provision, and a provision which requires an enforcement officer to first issue a written
27 warning to an individual or artificial entity who is required to erect and maintain signage, but has failed to do so. If, after
28 30 days from the date that a warning is issued, the individual or artificial entity has not erected and/or maintained the
29 required signage, the enforcement officer may issue a summons or apply for a warrant in the name of the offending
30 individual or artificial entity.

31 (c) A municipality may elect to adopt the signage regulations or ordinances of the county government of the
32 county in which the municipality is located. A municipality which elects to do so may also adopt additional regulations or
33 ordinances as required by its own particular conditions. Whether a municipality adopts its own signage regulations or
34 ordinances, or adopts the regulations or ordinances of the county along with additional regulations or ordinances to meet
35 particular conditions, the municipality's adopted regulations or ordinances may not be less restrictive than those of the
36 county."

37 Section 3. The Chief Clerk of the House of Representatives shall, within 30 days after the enactment of this Act,
38 send by certified mail a copy of this Act to every county and incorporated municipal government in the State.

SYNOPSIS

This bill requires county governments and the governments of incorporated municipalities to adopt regulations or ordinances regarding signage on parking spaces for use by persons with disabilities.

The regulations and ordinances must include enforcement and penalty provisions, as well as a provision which requires that a warning be issued to give an offender 30 days to comply with signage requirements.

This bill is companion legislation to the rewrite of the Title 21 parking for persons with disabilities bill that was enacted into law last year.