

Compliance – Resource Bulletin

DELAWARE – State Specific Signs

ADA Parking Signs

Overview:

All states must comply with The Americans with Disabilities Act of 1990. It is a federal wide-ranging civil rights law that prohibits, under certain circumstances, discrimination based on disability. The 2010 ADA Standards for Accessible Design (ADAAG) stipulates design standards for accessible parking spaces. Section 502.6 of ADAAG and The Department of Transportation Standard for Highway Signs (MUTCD) both address design standards for the required signs.

Resources:

2010 ADAAG Standards: (Free)

http://www.ada.gov/2010ADASTandards_index.htm

MUTCD Standard for Highway Signs: (Free)

https://mutcd.fhwa.dot.gov/SHSe/shs_2004_2012_sup.pdf

Delaware ADA Parking Regulations: (Free)

<http://regulations.delaware.gov/AdminCode/title19/4000/4100/4101.shtml>

Design of Parking Signs:

- Accessible parking spaces must have a sign that includes the international symbol of accessibility and state “RESERVED PARKING.” Spaces designed for van parking must also have a sign stating “VAN ACCESSIBLE.” (ADAAG 502.6), (MUTCD R7-8)
- The sign should be 12”W x 18”H with green lettering and border on a white background. The symbol of accessibility should be 4”H and be white on a blue background. The symbol is a depiction of a person in a wheel chair. (MUTCD R7-8), (ADAAG 703.7.2.1)
- If required, the van accessible sign should be 12”W x 6”H and have green lettering and border on a white background or white lettering and border on a blue background. (MUTCD R7-8a, R&-8b)
- Signs should be mounted at least 60 inches above the parking surface so as to not be obstructed by any parked vehicles.
- Signs should be constructed to withstand the elements. An aluminum substrate with a reflective surface using UV stable ink is recommended. An anti-graffiti laminate surface might also be considered.
- Of note: Federal accessibility signs avoid the use of the text “handicapped” or “disabled” as a result of the Department of Justice’s efforts to make use of up-to-date accepted terminology and avoid stereotyping of individuals. (28CFR35.104)
- As of 9/1/2019 we are not aware of any additional ADA parking sign requirements in Delaware other than those specified by the federal government in the 2010 ADAAG.

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Delaware No Smoking Signs

Overview:

The State of Delaware prohibits smoking in all enclosed public places and workplaces including bars, restaurants, and casinos. Smoking is also banned in restaurant outdoor seating areas that have a ceiling. Exemptions to the statewide ban are granted to designated hotel/motel rooms, tobacco bars, correctional facilities, public housing projects, private clubs, and certain fundraising events. The Delaware Clean Indoor Air Act became law on 11/1/2002 and is administered by the Department of Public Health. (Title 16, chapter 29)

Resources:

Delaware Clean Indoor Air Act: (Free)

<http://dhss.delaware.gov/dph/hsp/ciaaregs.html>

Department of Public Health Website: (Free)

http://dhss.delaware.gov/dph/dpc/ciaa_info.html

Design of No Smoking Signs:

- The owner or other person in control of a workplace where smoking is prohibited must post a sign stating “No Smoking” or the international no smoking symbol, consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across. (2905)
- The owner or operator of an indoor area where smoking is prohibited may designate an enclosed smoking area provided he posts a sign at the entrance stating smoking is permitted. Letters on such a sign must be at least one (1) inch in height. (2905)

Delaware Swimming Pool Signs

Overview:

The Delaware State Board of Health stipulates the rules governing the use of public swimming pools and spas. The code became effective in its final form on 6/10/2003 and requires the posting of signs at public swimming pools and spas.

Resources:

Delaware Regulation: (Free)

<http://regulations.delaware.gov/AdminCode/title16/Department>

NSP Foundation: (Free)

http://nspf.org/en/Resources/News_StateCodes.aspx

Design of Swimming Pool Signs:

Below are the required Delaware swimming pool and spa signs. See the Delaware regulation for more specific posting and design information.

- A sign stating “WARNING: No Lifeguard On Duty” where lifeguards are not provided. The sign must also state “Children Under The Age Of 16 Should Be Accompanied By A Parent Or Guardian.”

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(Swimming Pool Signs Continued)

- A sign stating spa rules.
- A sign stating “No Diving” where water is less than five feet deep.

Concealed Weapon Signs

Overview:

The State of Delaware allows residents of the state to carry a concealed firearm (CCW) provided they have been issued a permit granted by the local city or county in which they reside. Among the requirements for issuing a permit are; an applicant must be at least 18 years old, have references from five local citizens attesting to their character and sobriety, and has completed an approved firearm training program. There are certain places such as, federal buildings, school buses, casinos, state parks, etc. where CCW is forbidden even with a permit. Delaware recognizes the CCW permits of a number of other states. (1441.a.2-3)

Resources:

Delaware Regulation: (Free)

<http://delcode.delaware.gov/sessionlaws/ga141/chp007.shtml>

Handgunlaw.com/Delaware: (Free)

<http://www.handgunlaw.us/states/delaware.pdf>

Design of Concealed Weapons Signs:

- Some states that allow CCW, with or without a required permit, have “opt out” laws that empower a private business to voluntarily create a “weapons free” zone by posting a “no concealed weapons allowed” sign on their premises. Delaware law does not empower a business to create a “weapons free” zone by posting a sign, nor does it explicitly forbid the posting of such signs at businesses or facilities where CCW is forbidden.

Cell Phone Signs

Overview:

The State of Delaware bans the use of hand-held cell phones for texting and voice communications by all drivers of motorized vehicles. Hands free communication devices may be used by adult drivers. School bus drivers are banned from using any type of wireless communication device except in the case of an emergency. (Del.Code Ann. Tit. 21, § 4176C)

Resources:

Delaware Regulation: (Free)

<http://delcode.delaware.gov/title21/c041/sc09/index.shtml>

Handsfreeinfo.com: (Free)

<http://handsfreeinfo.com/delaware-cell-phone-laws-legislation>

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(Cell Phone Signs Continued)

Design of Cell Phone Signs:

- As of 9/1/2019 we are unaware of any mandatory “no cell phone” sign postings required in Delaware.
- An efficient way to remind both commercial and private drivers of cell phone bans is to apply a “No Cell Phone Use While Driving” safety label or window decal to cars, taxi cabs, trucks, and buses.
- Of note: Because cell phones can be distracting by nature, it is common to see signs regulating cell phone use in public buildings such as theaters, airports, courtrooms, hospitals, buses, schools and school traffic zones.

Baby Surrender Signs

Overview:

Since the first baby surrender (safe-haven) law was enacted in Texas in 1999, all U.S. states, as well as the District of Columbia, have passed safe-haven legislation. The laws allow an unharmed infant to be relinquished to the proper authorities.

Resources:

Delaware Regulation: (Free) http://www.nationalsafehavenalliance.org/maps/Delaware_Safe_Haven_Law.pdf
NSH Alliance: (Free) <https://www.nationalsafehavenalliance.org/>

Design of Baby Surrender Signs:

- Delaware allows for the relinquishing of a new born infant (14 days old or less) by a parent who no longer wishes to have custody of the child. The Delaware Code states that an infant may be relinquished at the emergency room of any hospital. As of 9/1/2019 we are unaware of any requirement in the law for the posting of signs. (907a)

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