

Restriping of Accessible Parking Spaces when Resurfacing or Resealing

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Statutory / Code reference

2025 Oregon Structural Specialty Code—Section 3403.6
Oregon Revised Statute (ORS) 447.233(5)

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Questions

1. What are the requirements for restriping accessible parking spaces when resurfacing or resealing a parking lot for an affected building?
2. Can a land use requirement create a technical infeasibility?
3. What is required if a technical infeasibility exists?

Answers

1. Resurfacing or resealing parking spaces constitutes an alteration and must be restriped to include accessible spaces as required for new construction – unless technically infeasible.
2. Yes. See analysis below.
3. Answer varies. In some cases, the parking lot may be restriped the same as it was before being resealed or resurfaced. In other cases, it may be necessary to restripe the parking lot in a different manner than was done previously to provide accessibility and maintain land use requirements.

Analysis

ORS 447.233(4) and (5) requires accessible parking spaces be maintained at all times to meet the requirements of statute and the state building code. The statute authorizes the Building Codes Division and any municipality with a building inspection program to "...do whatever is necessary to enforce the requirements, including maintenance requirements..." contained in ORS 447.233.

OSSC Section 3403.6.7 requires that an altered facility comply with the applicable provisions in Chapter 11 of the OSSC – unless technically infeasible. "Where compliance with this section is technically infeasible, the alteration shall provide access to the maximum extent technically feasible."

A facility is defined in OSSC Section 202 as: All or any portion of buildings, structures, site improvements, elements and pedestrian or vehicular routes located on a site.

This definition includes the accessible parking spaces and the accessible route through the parking lot.

Technically infeasible is defined in OSSC Section 202 as: An alteration that has little likelihood of being accomplished because existing structural conditions would require removing or altering a loadbearing member that is an essential part of the structural frame, or because site constraints prohibit modification or addition of elements, spaces or features that are in full and strict compliance with the minimum requirements for new construction and are necessary to provide accessibility.

The U.S. Access Board (which develops the ADA Architectural Guidelines) has provided an example of a situation determined to be technically infeasible:

Example: An existing small parking lot contains ten parking spaces serving an affected building and only one space is accessible. Local land use laws require a minimum of ten parking spaces. In this scenario, there is not enough room to restripe the lot with a van accessible space as required by the current OSSC and still maintain the minimum ten parking spaces required by local land use laws because it is technically infeasible. In this example, the lot may be restriped, as it existed prior to resealing or resurfacing.

Contact

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