

City of Houston, Texas, Ordinance No. 2007- ////

AN ORDINANCE AMENDING THE CODE OF ORDINANCES, HOUSTON, TEXAS, RELATING TO VALET PARKING IN THE CITY; CONTAINING FINDINGS AND OTHER PROVISIONS RELATING TO THE FOREGOING SUBJECT; DECLARING CERTAIN CONDUCT TO BE UNLAWFUL AND PROVIDING PENALTIES THEREFOR; CONTAINING A SAVINGS CLAUSE; PROVIDING AN EFFECTIVE DATE; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

* * * * *

WHEREAS, the Public Parking Commission (“Parking Commission”), through its Valet Parking Subcommittee, has undertaken a comprehensive review of valet parking operations and valet zones operating on public streets in the City; and

WHEREAS, the Parking Commission has found that use of the public streets for parking, standing and loading associated with valet parking services can interfere with the safe and orderly movement of vehicular traffic; and

WHEREAS, the Parking Commission has recommended that all valet parking operations using the public streets as a pick-up and drop-off point should operate within a valet zone approved by the traffic engineer, and should provide valet parking services in accordance with times and days indicated on valet zone signage; and

WHEREAS, the Parking Commission has recommended that when valet parking operations use the public streets as a pick-up and drop-off point or for vehicle parking, valet parking operators should provide a parking plan to reflect the movement and storage of vehicles to enable the City to evaluate the safety of those operations; and

WHEREAS, the Parking Commission has recommended that valet parking operations should be regulated throughout the City to promote public safety by requiring all valet parking operators using the public streets for pick-up and drop-off points or to park vehicles to obtain the approval of the traffic engineer and the parking official; and

WHEREAS, the Department of Finance & Administration, working with the City’s insurance broker of record, has reviewed the required insurance coverages for valet parking service permittees and recommended updating such requirements; and

WHEREAS, the City’s experience with major event venues with seating capacities of at least 2,000 patrons reflects that a large number of valet parking customers drop off and retrieve vehicles at the same time in connection with shows and events, indicating that valet zones of up to nine parallel parking spaces may be necessary to accommodate valet parking needs at such venues; and

WHEREAS, the Parking Commission recommends the amendment and reorganization of ordinances pertaining to valet parking zones and valet operations to reflect the transfer of duties relating to management of valet operations, to enhance the enforcement of such regulations, to minimize the traffic and safety impact of such operations, and to implement its recommendations; and

WHEREAS, the City Council finds that in order to promote the public health, safety, and general welfare of the City, it is desirable to adopt this Ordinance to provide for safe and orderly use of the public roadways; **NOW, THEREFORE**,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HOUSTON, TEXAS:

Section 1. That the findings contained in the preamble of this Ordinance are determined to be true and correct and are hereby adopted as a part of this Ordinance.

Section 2. That Article VII of Chapter 26 of the Code of Ordinances, Houston, Texas is hereby amended in its entirety to read as set forth in **Exhibit A**, attached hereto and incorporated herein.

Section 3. That Item (4) of Subsection (b) of Section 1-10 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

- "(4) Permits for valet parking services issued pursuant to chapter 26, article VII, division 2 of this Code:
- a. Any offense involving burglary, fraud or theft;
 - b. Any offense involving the unauthorized use of a motor vehicle;
 - c. Any offense involving forgery;
 - d. Any violation of state or federal laws regulating firearms;
 - e. Any offense involving violence to any person except for conduct that is classified as no greater than a Class C misdemeanor under the laws of the state;
 - f. Any offense involving the possession, use of or sale of drugs except for conduct that is classified as no greater than a Class C misdemeanor under the laws of this state;

- g. Any violation of state laws relating to the operation of motor vehicle storage lots.
- h. Any offense involving driving a motor vehicle while intoxicated, whether under the influence of alcohol or drugs, or both.

The above listed offenses shall be grounds for the denial, revocation or nonrenewal of permits issued under division 2 of article VII of chapter 26, as enumerated, because the authorizations thereunder allow persons to engage in businesses and occupations in which there is a high degree of danger to the public through the operation of automobiles. Such activities involve substantial contact with the public, including assuming possession of automobiles owned by members of the public. These businesses also afford special opportunities for theft and fraud. Therefore, there is a serious need to protect the public from the types of criminal conduct represented by such offenses."

Section 4. That Item (9) of Subsection (b) of Section 40-362 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

"(9) A valet zone as authorized under section 26-412 of this Code."

Section 5. That Section 45-2 of the Code of Ordinances, Houston, Texas, is hereby amended by deleting the definition of the term *valet zone*.

Section 6. That the title of Chapter 46 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows: "**VEHICLES FOR HIRE.**"

Section 7. That Chapter 46 of the Code of Ordinances, Houston, Texas, is hereby amended by deleting Article VII in its entirety.

Section 8. That the various former ordinance provisions that are amended in this Ordinance are saved from repeal for the limited purpose of their continuing application to any violation committed before the effective date of this Ordinance, as applicable. For this purpose, a violation is deemed to have been committed before the effective date of this

Ordinance, as applicable, if any element of the offense was committed prior to the effective date of this Ordinance, as applicable.

Section 9. That nothing in Article VII of Chapter 26 of the Code of Ordinances, Houston, Texas, as amended in this Ordinance, shall be construed to revoke or repeal any permit issued to a valet operator pursuant to division 2 of the former provisions of Article VII of Chapter 46 of the Code of Ordinances, Houston, Texas, or any valet zone authorized pursuant to former Section 45-139 of the Code of Ordinances, Houston, Texas, recodified as Article VII of Chapter 26 of the Code of Ordinances, Houston, Texas, as that Article read prior to its amendment by this Ordinance. Each such permit or valet zone shall remain valid until the expiration of its term as previously established, unless sooner revoked. However, the provisions of Article VII of Chapter 26 of the Code of Ordinances as amended herein shall be applicable to the formerly issued permits and authorized valet zones.

Section 10. That the program adopted in **Section 2** of this Ordinance shall be reviewed by the Public Parking Commission not later than 12 months after the date of passage of this Ordinance for the purpose of ascertaining the program's effectiveness. To facilitate this review, the parking official shall gather data throughout the year for the Public Parking Commission's review.

Section 11. That, if any provision, section, subsection, sentence, clause, or phrase of this Ordinance, or the application of same to any person or set of circumstances, is for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions of this Ordinance or their application to other persons or sets of circumstances shall not

be affected thereby, it being the intent of the City Council in adopting this Ordinance that no portion hereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality, voidness or invalidity of any other portion hereof, and all provisions of this Ordinance are declared to be severable for that purpose.

Section 12. That there exists a public emergency requiring that this Ordinance be passed finally on the date of its introduction as requested in writing by the Mayor; therefore, this Ordinance shall be passed finally on such date and shall take effect at 12:01 a.m. on November 1, 2007.

PASSED AND APPROVED this 3rd day of October, 2007.

Bil White
Mayor of the City of Houston

Prepared by Legal Dept. B Calabrese
TBC 09/5/2007 Senior Assistant City Attorney
Requested by Dawn Ullrich, Director, Convention and Entertainment Facilities Department
L.D. File No. 0470600009001

AYE	NO	
✓		MAYOR WHITE
••••	••••	COUNCIL MEMBERS
✓		LAWRENCE
✓		JOHNSON
✓		CLUTTERBUCK
✓		EDWARDS
✓		WISEMAN
✓		KHAN
✓		HOLM
✓		GARCIA
✓		ALVARADO
✓		BROWN
✓		LOVELL
✓		NORIEGA
✓		GREEN
		BERRY
	ABSENT	
CAPTION	ADOPTED	

EXHIBIT A

Chapter 26 PARKING

ARTICLE VII. VALET PARKING SERVICES

DIVISION 1. GENERAL

Sec. 26-371. Definitions.

As used in this article, the following terms shall have the meanings ascribed in this section, unless the context of their usage clearly indicates another meaning:

Attendant means a person who operates a vehicle between a pick-up and drop-off point and a parking location on behalf of a valet parking service operator.

Major event venue means a venue with seating capacity for at least 2000 patrons.

Permittee means a person who holds a valet parking service permit under this article to operate a valet parking service, and includes any employee, agent, or independent contractor of the permittee.

Pick-up and drop-off point means a designated location where an attendant takes possession of a vehicle for the purpose of parking and returns the vehicle to the possession of the driver thereof.

Principal means the valet parking service operator and also includes in the case of a proprietorship the proprietor and the proprietor's spouse, in the case of a partnership each partner, and in the case of a corporation each officer, each director and each other person who holds ten percent or more of the outstanding shares. For any other form of entity, the term shall include the equivalent persons as determined by the director.

Roadway means any portion of a street that is improved, designed or maintained for vehicular use, including but not limited to travel and parking.

Special event means an event occurring at a specific location outside the central business district not more than twelve times in a twelve-month period and for not more than three consecutive 24 hour periods per event, for which valet parking service will be provided, including events at which the pick-up and drop-off point is entirely on private property when the valet parking operator's valet parking storage location includes the roadway.

Temporary valet zone means a valet zone that operates during authorized times for not more than a fourteen-day period.

Valet parking service operator means a person whose business is or includes the provision of valet parking service through use of a pick-up and drop-off point on a roadway or through use of the roadway as a valet parking storage location.

Valet parking service means accepting, parking and returning a vehicle on behalf of the operator of the vehicle regardless of whether a fee is charged.

Valet parking service permit means a current and valid permit issued to a valet parking service operator pursuant to division 2 of this article.

Valet parking service stand means a temporary, removable structure located near the pick-up and drop-off point that is utilized by the valet parking service operator for the general conduct of the valet parking service, including the dispatch of attendants and the storage of keys, umbrellas and other items.

Valet parking storage location means the location at which a valet parking service operator parks vehicles accepted from the operator of a vehicle during the course of providing a valet parking service.

Valet zone means the area or space officially designated by the traffic engineer as a pick-up and drop-off zone within a roadway as indicated by appropriate signs or markings for the use of valet parking service providers operating under permit issued by the city.

Sec. 26-372. Prohibited activities.

(a) It is unlawful for any person to provide valet parking service without a valet parking service permit issued by the city. It shall be an affirmative defense to prosecution under this subsection that the operation of a valet parking service occurs on private property and does not use any portion of a roadway for a pick-up and drop-off point or as a valet parking storage location, save for incidental use of the roadway in driving vehicles to and from a pick-up and drop-off point on private property and a valet parking storage location not located on any portion of a roadway.

(b) It is unlawful for a permittee to operate, or cause to be operated, a valet parking service in violation of any term of a permit.

(c) It is unlawful for any permittee to fail to display a permit or a true copy thereof as required by this article. In any prosecution under this article, it shall be presumed that there is no permit if the permit or a true copy thereof is not properly displayed.

(d) It is unlawful for any permittee to park a vehicle or to cause or allow a vehicle to remain parked at any curbside parking space or any other portion of the roadway within the central business district in the course of providing valet parking service. Any person who violates any provision of this subsection shall be guilty of an offense and, upon conviction thereof, shall be punished by a fine of not less than \$150.00 nor more than \$500.00 for each violation. Each act of parking a vehicle in violation of this subsection shall constitute and be punishable as a separate offense. A violation of this subsection is a penal offense and shall not be subject to civil adjudication pursuant to article IV of chapter 16 of this Code. Parking enforcement officers are authorized to issue written citations to persons violating this subsection.

(e) It is unlawful for any permittee to utilize any place on the roadway that is not a valet zone as a pick-up and drop-off point. It shall be an affirmative defense to prosecution under this subsection that the valet parking service is provided for a special event for which notice has been provided to the parking official pursuant to section 26-450 of this Code, or that the valet parking service operator is making reasonable accommodations for persons with disabilities who are utilizing the valet parking service.

(f) It is unlawful for any permittee to fail to identify a vehicle as required by section 26-412(10) of this Code.

Sec. 26-373. Provisions cumulative.

The provisions of this article are cumulative of all other provisions of this Code and other city ordinances, including, without limitation, building and fire codes, as well as all applicable state and federal laws and regulations. Compliance with this article does not excuse compliance with any other law, and permittees are additionally required to obtain any other permits, licenses, and authorizations required by law.

Sec. 26-374. No private rights in street.

Nothing in this article shall be construed to give any person, whether or not a permittee, any property right in or to the use of any street. All permits issued and held under this article shall be subject to the superior right of the public to the safe and orderly movement of traffic.

Secs. 26-375–26-390. Reserved.

DIVISION 2. VALET PARKING SERVICE PERMITS

Sec. 26-391. Permit applications.

(a) Any person who desires to operate a valet parking service in the city shall submit an application for a permit to the director in a form promulgated by the director for that purpose, which shall include the following:

- (1) The applicant's name, telephone number, mailing address, street address, federal employee identification number, state sales tax number, corporate charter number, and Texas driver's license number (if applicable);
- (2) The name and mailing address of each principal of the applicant, copies of the assumed-name registration if the valet parking service will be operated under an assumed name, the partnership registration, if any, and the names and addresses of all general partners if the permit holder is a partnership, and a certificate of good standing from the Texas Secretary of State for a Texas domestic corporation or certificate of authority to do business in Texas if a foreign corporation, along with the names and addresses of all officers and the registered agent;
- (3) The location of all existing and proposed valet zone locations where applicant intends to operate; provided, however, that providing information pertaining to locations where valet parking services will be provided or are intended to be provided does not constitute approval of a zone designation as required by division 4 of this article;
- (4) The indemnity and release form provisions that are specified in section 26-391(b) of this Code;
- (5) Proof of insurance required by section 26-411 of this Code;
- (6) Criminal history information for every principal as required by the director to determine compliance with section 1-10 of this Code; and
- (7) Any other information reasonably required by the director for the purpose of processing the application under the requirements of this article.

(b) As a part of its application, each applicant shall sign the following indemnity and release, which shall be a condition of each valet parking service permit:

"THE PERMITTEE AGREES TO AND SHALL DEFEND, INDEMNIFY, AND HOLD THE CITY, ITS AGENTS, EMPLOYEES, OFFICERS, AND LEGAL REPRESENTATIVES (COLLECTIVELY, THE "CITY") HARMLESS FOR ALL

CLAIMS, CAUSES OF ACTION, LIABILITIES, FINES, AND EXPENSES (INCLUDING, WITHOUT LIMITATION, ATTORNEYS' FEES, COURT COSTS, AND ALL OTHER DEFENSE COSTS AND INTEREST) FOR INJURY, DEATH, DAMAGE, OR LOSS TO PERSONS OR PROPERTY SUSTAINED IN CONNECTION WITH OR INCIDENTAL TO ANY PERFORMANCE UNDER THIS PERMIT, INCLUDING, WITHOUT LIMITATION, THOSE CAUSED BY:

1. THE PERMITTEE'S AND/OR ITS AGENTS', EMPLOYEES', OFFICERS', DIRECTORS', CONTRACTORS', OR SUBCONTRACTORS' (COLLECTIVELY IN LETTERED PARAGRAPHS 1--3, "PERMITTEE'S") ACTUAL OR ALLEGED NEGLIGENCE OR INTENTIONAL ACTS OR OMISSIONS;
2. THE CITY'S AND THE PERMITTEE'S ACTUAL OR ALLEGED CONCURRENT NEGLIGENCE, WHETHER THE PERMITTEE IS IMMUNE FROM LIABILITY OR NOT; AND
3. THE CITY'S AND THE PERMITTEE'S ACTUAL OR ALLEGED STRICT PRODUCTS LIABILITY OR STRICT STATUTORY LIABILITY, WHETHER THE PERMITTEE IS IMMUNE FROM LIABILITY OR NOT.

THE PERMITTEE SHALL DEFEND, INDEMNIFY, AND HOLD THE CITY HARMLESS DURING THE TERM OF THE PERMIT AND FOR TWO YEARS AFTER THE PERMIT EXPIRES. THE PERMITTEE'S INDEMNIFICATION IS LIMITED TO \$500,000.00 PER OCCURRENCE.

THE PERMITTEE AGREES TO AND SHALL RELEASE THE CITY FROM ALL LIABILITY FOR INJURY, DEATH, DAMAGE, OR LOSS TO PERSONS OR PROPERTY SUSTAINED IN CONNECTION WITH OR INCIDENTAL TO PERFORMANCE UNDER THE PERMIT, EVEN IF THE INJURY, DEATH, DAMAGE, OR LOSS IS CAUSED BY THE CITY'S SOLE OR CONCURRENT NEGLIGENCE."

(c) The application shall be signed by an owner, officer, or partner principal of the applicant if the applicant is not an individual, or by the individual applicant for the valet parking service permit acknowledging that he has read the application, agrees to all of its terms and provisions, affirms the correctness and accuracy of the information given on the application, and affirms that he has the authority to bind the applicant to all of the terms, provisions, and requirements of the application.

Sec. 26-392. Issuance; denial; fee.

(a) An application that contains all of the information required by section 26-391 of this Code shall be a complete application. A complete application shall be approved and

the valet parking service permit shall be issued upon payment of the fee specified by subsection (c) below unless:

- (1) The information provided in the application is materially false or incorrect or the applicant has failed in any material way to comply with this article;
- (2) The applicant or an entity owned or controlled by the applicant or any of the principals of the applicant has had a valet parking service permit revoked during the preceding one year period;
- (3) The director determines that proof of insurance provided by the applicant does not meet the requirements of section 26-411 of this Code;
- (4) The parking official determines that there exist one or more unresolved parking citations, as defined in section 26-261 of this Code, for any vehicle owned by the applicant or any of its principals; or
- (5) The applicant or any of its principals is not in compliance with the criminal history provisions of section 1-10 of this Code.

(b) In the event that an application is denied, the director shall promptly inform the applicant in writing of the reasons for the denial. The applicant, upon written request, shall be afforded an opportunity for a hearing regarding the denial before the director or a hearing officer appointed by the director. The appeal process shall be conducted in accordance with rules promulgated by the director for that purpose. If the denial is based in whole or in part upon section 1-10 of this Code, then the notice and hearing procedures shall also include any requirements to comply with section 1-9 of this Code and applicable state laws. The determination of the hearing examiner with respect to the application shall be final, unless otherwise provided by law.

(c) The initial annual fee for a valet parking service permit shall be \$1000.00. The annual fee for renewal of a valet parking service permit shall be \$750.00. The director shall review the fees annually and may increase the fees to fully recover the city's costs, taking into account permit issuance and renewal costs, inspection and oversight services that may be required, and equipment and resource utilization, provided that no fee increase in excess of 5 percent per year shall be implemented without prior approval of the city council. No portion of the fee shall be refundable.

Sec. 26-393. Valet parking service permit conditions.

Each valet parking service permit shall specify the following terms, which shall be the conditions under which the valet parking service permittee is authorized to conduct the valet parking service:

- (1) Name of the permitted valet parking service operator;
- (2) That the permittee must comply with all applicable requirements of this article; and
- (3) Any other reasonable conditions specified by the parking official at the time of issuance of the permit.

Sec. 26-394. Term.

A valet parking service permit shall be valid for one year from its date of issuance and shall not be transferrable. A permit may be renewed by filing an application pursuant to section 26-391 of this Code at least 30 days prior to the expiration of the permit. A renewal permit application shall be reviewed and approved pursuant to section 26-392 of this Code.

Secs. 26-395--26-410. Reserved.

DIVISION 3. REQUIREMENTS FOR OPERATING A VALET PARKING SERVICE

Sec. 26-411. Insurance.

The valet parking service operator shall maintain insurance coverage continuously during the term of its permit, in each case in accordance with the terms of this section through insurance carriers that are authorized or eligible by the Texas Department of Insurance to do business in the State of Texas and, in the case of claims made coverage, for an additional two years thereafter. The insurance required by this section shall insure against the following risks in at least the following amounts:

Coverage	Limit of Liability
Commercial General Liability: Including Broad Form Coverage	Bodily Injury and Property Damage, Combined Single Limits of \$500,000.00 each Occurrence and \$500,000.00 Annual Aggregate
Automobile Liability Insurance: Endorsed to Include Garage Keepers Legal Liability Including Comprehensive and Collision Coverage for Vehicle Storage and Coverage for Vehicle Driven by or at Direction of Permittee	\$500,000.00 Combined Single Limit per Accident
OR	

Garage Liability Insurance: Endorsed to Include Garage Keepers Legal Liability Insurance Including Comprehensive and Collision Coverage for Vehicle Storage and Coverage for Vehicle Driven by or at Direction of Permittee	\$500,000.00 Combined Single Limit per Accident
--	--

The city shall be named as an additional insured on the commercial general liability and garage liability policies. Each policy must state that it may not be canceled, materially modified, or non-renewed unless the insurance company gives the director 30 days' advance written notice. Defense costs are outside the limit of liability. Aggregate limits are per 12-month policy period unless otherwise indicated. Proof of insurance required by this section shall be on the authorized form approved for this purpose by the director. A permit shall be automatically suspended without any requirement for action by the city or notice to the permittee for any period of time that any of the insurance required by this section is not in effect. In addition, the director may cause the permit to be revoked for cause for failure to maintain insurance pursuant to section 26-418 of this Code.

Sec. 26-412. Valet parking service operations.

A valet parking service permittee shall operate the permitted valet parking service in accordance with the following requirements:

- (1) The valet parking service permittee shall maintain one valet parking service stand that meets the requirements of section 26-416 of this Code at each location where the permittee provides valet parking service;
- (2) When pick-up and drop-off of vehicles occurs in the roadway, the permittee shall operate a pick-up and drop-off point only in a designated valet zone and in accordance with division 4 of this article;
- (3) The permittee shall not park or allow the parking of vehicles in a pick-up and drop-off point;
- (4) The permittee shall not cause or allow the standing of any vehicle in a pick-up and drop-off point for more than five minutes, inclusive of loading and unloading passengers, taking possession of or returning a vehicle and all other functions relating to the acceptance or return of a vehicle, as applicable;

- (5) The permittee shall ensure that the valet parking service does not unreasonably interfere with safe traffic operations of roadways, driveways, and intersections;
- (6) Except as provided in subsection 26-416(a) of this Code or otherwise authorized by a permit issued pursuant to article XVII of chapter 40 of this Code, the permittee shall not place signs, cones, or any other object in a roadway, parking space, or sidewalk, or otherwise block or hinder movement of pedestrian or vehicular traffic;
- (7) The permittee shall not place or allow the placement of a sign identifying or advertising the valet parking service on a roadway or sidewalk unless the sign is located on the valet parking service stand;
- (8) The permittee shall provide each patron with a pre-numbered receipt indicating the valet parking fee, if any; the name, address, and telephone number of the valet parking service operator; and information on obtaining a vehicle after the hours of valet parking service operation;
- (9) The permittee shall display a true and correct copy of the valet parking service permit required by this article at each valet parking service stand;
- (10) Promptly upon receipt of each vehicle for valet parking service, the permittee shall clearly identify the vehicle by affixing a ticket hang tag to the inside rear view mirror of the vehicle that identifies the valet parking service operator;
- (11) The permittee shall provide a secure location for the storage of keys and shall not store keys with the parked vehicle;
- (12) The permittee shall comply with all applicable traffic control laws, devices and markings and shall conduct valet parking services only where and when vehicles may lawfully park and stand; and
- (13) The permittee shall not discriminate against persons wishing to utilize valet parking services on the basis of race, color, religion, sex, sexual orientation, national origin, age, or disability.

Sec. 26-413. Duty of valet parking operator.

It shall be the duty of every valet parking operator to cause each of the operator's attendants to comply with the requirements of this article and any permit issued hereunder. Further, it shall be the duty of valet parking operators that are not required to be permitted to maintain a copy of proof of insurance coverage for valet parking operations at each location where valet operations are performed and to display it upon request.

Sec. 26-414. Additional valet parking service operations requirements in central business district.

For valet parking service operations within the central business district, the valet parking service permittee shall not cause or allow the standing of vehicles in any moving lane of traffic approaching the pick-up and drop-off point.

Sec. 26-415. Attendant requirements.

It is the duty of the valet parking service permittee to ensure that no person at any time performs as an attendant unless the person meets each of the criteria of this section for an attendant. All attendants at a valet parking service location shall wear similar uniforms. Each attendant shall:

- (1) Be 18 years of age or older;
- (2) Operate vehicles in compliance with all applicable federal, state and local laws, and in a manner that assures the safety of persons and property;
- (3) Possess a valid class A, B, or C Texas driver's license with no more than two convictions for offenses that occurred within any 12-month period during the preceding three years as a result of moving traffic violations;
- (4) Wear a name tag identifying the attendant by name and the name of the valet parking company or the commercial establishment for which valet parking service is being provided; and
- (5) Perform his duties in a courteous and professional manner.

If the valet parking service permittee, or any principal of a permittee, performs as an attendant, the permittee or principal must satisfy each of these requirements. The permittee shall maintain the information necessary to demonstrate compliance with item (3) of this section. The permittee shall retain the records at its principal office in the city for a period of three years. The director shall have the right, upon request, to inspect and copy these records of the permittee to determine compliance with the requirements of the permit.

Sec. 26-416. Valet parking service stand.

(a) The valet parking service permittee shall provide one valet parking service stand at each location where the permittee provides valet parking service. The valet parking service stand may be located within the building for whose benefit the valet parking service is provided or wholly on private property. A valet parking service stand shall not be located on a roadway unless expressly allowed by a valet zone designation issued pursuant to

division 4 of this article. Any valet parking service stand located in whole or in part on a roadway, sidewalk, or any portion of the public right-of-way shall:

- (1) Occupy a portion of the roadway, sidewalk, or public right-of-way no greater than four feet by four feet or one-half the width of the sidewalk if the sidewalk is less than eight feet wide;
- (2) Not be affixed to the roadway, sidewalk, or public right-of-way in any manner;
- (3) Be easily moveable by one person;
- (4) Be removed from the roadway, sidewalk, or public right-of-way when the valet parking service is not being operated;
- (5) Have affixed a sign not larger than four feet high by four feet wide with an area no smaller than 12 inches by 18 inches indicating:
 - a. The name and the valet parking service permit number of the valet service parking operator;
 - b. If the permittee is providing valet parking service for more than one establishment, the names of all such commercial establishments;
 - c. The fee for the valet parking service, if any;
 - d. The telephone number provided by the parking official for complaints or inquiries regarding operations of the valet parking service.
- (6) Be secured and locked when left unattended; and
- (7) Display a true and correct copy of the permit.

(b) If the valet parking service stand is located within a building, the permittee shall provide a portable sign that meets the requirements of subsection (a)(5) of this section on the sidewalk or roadway at the pick-up and drop-off point.

Sec. 26-417. Parking areas.

All vehicles parked by an attendant shall be legally parked in conformance with applicable city ordinances and state law.

Sec. 26-418. Revocation.

(a) A valet parking service permit may be revoked if:

- (1) Any information supplied in the permit application was materially false or incorrect;
- (2) The permit was issued through error;
- (3) The holder of the permit has failed to comply with any applicable provision of the permit or this article;
- (4) The permittee fails to perform under the release and indemnity required by section 26-391(b) of this Code; or
- (5) The permittee or any of its principals are not in compliance with the criminal history provisions of section 1-10 of this Code.

(b) Notice of revocation shall be provided to the valet parking service permittee by depositing the same in the United States mail, first class, certified, return receipt requested, addressed to the address of the permittee shown in the permit application. The notice shall set forth the alleged grounds for the revocation and the opportunity to request a hearing regarding the revocation. If the revocation is based in whole or in part upon section 1-10 of this Code, then the notice and hearing procedures shall also include any requirements to comply with section 1-9 of this Code and applicable state laws.

(c) If the permittee wishes to request a hearing, such request must be made in writing and provided to the director within twenty days of the date of the director's notice of revocation. Pending the hearing, the director may suspend the valet parking service operator's permit when the director determines that continued operation of the valet parking service constitutes a hazard to public safety and welfare, including, but not limited to, interfering with the safe operation of the streets for pedestrians and the normal flow of traffic. At the hearing, the burden of demonstrating that a permit should be revoked shall be upon the city. The permittee may also present evidence and cross examine witnesses. The hearing shall be conducted by a hearing officer appointed by the director, who shall revoke the permit if he determines by a preponderance of the evidence that grounds exist for revocation. The decision of the hearing officer to revoke a permit shall be made in writing and shall set forth the grounds therefor. The hearing officer's determination shall be final.

Sec. 26-419. Permit subject to police regulation.

All valet operations are subject to temporary suspension when a police officer determines that the continued operation of the valet service constitutes a hazard to the

public safety and welfare, including but not limited to, interfering with the safe operation of the streets for pedestrians and the normal flow of traffic.

Secs. 26-420--26-440. Reserved.

DIVISION 4. VALET ZONES

Sec. 26-441. Designation of valet zones.

(a) The owner or tenant of one or more commercial establishments located on a blockface may apply to the parking official for designation of a valet zone.

(b) In carrying out the functions assigned by this division, the parking official shall consult with and obtain the concurrence of the traffic engineer.

Sec. 26-442. Characteristics of a valet zone.

(a) A valet zone shall be located in the curbside lane of a roadway or, under certain conditions, in the portion of a roadway adjacent to a curbside that provides angled or parallel parking.

(b) A valet zone shall include not more than three parallel parking spaces, unless, under certain conditions, the traffic engineer approves the use of more spaces; provided, however, for a major event venue, a valet zone may include up to nine parallel parking spaces per blockface.

(c) A valet zone may be utilized for valet parking service only during the days and times authorized by the parking official in the valet zone designation.

Sec. 26-443. Application.

(a) Application for a valet zone designation shall be made upon a form promulgated by the director, shall be accompanied by a nonrefundable application fee of \$300.00, and shall include, at a minimum, the following:

- (1) The name, address and phone number of the applicant;
- (2) The name and location of each commercial establishment to be served by a valet parking service in the requested valet zone, and the name, address and telephone number of the owner or tenant of each commercial establishment;
- (3) The days and hours during which the valet zone will be utilized for valet parking service.

- (4) A copy of the valet parking service permit held by the valet parking operator who will provide valet parking service for the applicant;
- (5) A copy of the applicant's valet parking plan, including:
 - a. A traffic flow plan, including a map, describing the route(s) that vehicles will be driven between the proposed valet zone and the valet parking storage location;
 - b. Information about the valet parking storage location, i.e.:
 - [1] Within the central business district, a copy of the contract or agreement to allow the valet parking operator to use an off-street parking facility to store vehicles, including the name and address of the off-street parking facility; or
 - [2] Outside the central business district, a copy of the contract or agreement to allow the valet parking operator to use an off-street parking facility, if applicable, and, if any vehicles will be stored on the roadway, a description of the area the valet parking operator will use to store vehicles, including names of streets, block designations, and an indication whether both sides of the block are intended to be used; and
 - c. A description of the applicant's plan for making safe and reasonable accommodations for persons with disabilities who wish to utilize valet parking services at the proposed valet zone; and
- (6) Any other information reasonably required by the parking official to make any determination required under this division.

(b) The parking official initially shall review each application for completeness. If the parking official determines that the application is incomplete, he shall return the application with written notice of the deficiencies.

(c) If the parking official determines that the application is complete, the application shall be acted upon as further provided in this article following provision of notice of the application by furnishing of a written notice by regular mail to the owners of property within 200 feet of the valet zone designation at the name and address as indicated by the most recent appraisal district records.

The parking official may provide the notice, but require the applicant to pay the costs of providing notice. The notice shall be in a form prescribed by the parking official and shall contain the street address of the proposed valet zone designation, the name of the

commercial establishment making the application, a city office, city telephone number and city e-mail address that interested persons may call or contact by e-mail to obtain further information or to provide input regarding the impact of the proposed valet zone designation. Input received by the parking official within ten business days after the date of the notice will be considered by the parking official and the traffic engineer in reviewing the application.

Sec. 26-444. Review and designation by traffic engineer.

(a) The parking official shall immediately forward a copy of an application determined to be complete to the traffic engineer, who is hereby authorized to determine whether the location of a valet zone within the blockface and the valet operator's parking plan are feasible and consistent with sound traffic engineering and mobility practices.

(b) The traffic engineer shall determine the number of on-street parking spaces required for each valet zone, which shall not exceed the equivalent of three parallel parking spaces, or for a valet zone serving a major event venue, the equivalent of nine parallel parking spaces; provided that the traffic engineer may authorize the use of additional spaces by a hotel when he determines that traffic conditions and hotel operations warrant.

(c) The traffic engineer may authorize more than one valet zone on a blockface only upon determining that special conditions exist relating to the configuration of the blockface or to the land uses located on the blockface and that the operation of more than one valet zone will not adversely affect vehicular and pedestrian traffic.

(d) As a condition of designating or renewing designation of a valet zone, the parking official and the traffic engineer may require holders of and applicants for valet zone designations to cooperate with each other where more than one commercial establishment located on a blockface desires designation of a valet zone.

(e) The traffic engineer shall review and approve or disapprove the proposed valet zone and parking plan. If the traffic engineer disapproves the valet zone or valet parking plan, he shall return the application to the parking official with notice of the reasons for his disapproval.

(f) If the traffic engineer determines that a valet zone and the valet parking plan are feasible and consistent with sound traffic engineering and mobility practices, he shall submit his determination and designation to the parking official.

Sec. 26-445. Approval or denial.

Based upon the traffic engineer's determination, the parking official shall approve or disapprove the application for a valet zone designation and provide written notice to the applicant. If the parking official disapproves the application, he shall advise the applicant

of the reasons for the denial. The applicant, upon written request, shall be afforded an opportunity for a hearing regarding the denial before a hearing officer appointed by the director for that purpose. The determination of the hearing officer shall be final.

Sec. 26-446. Fees; term; renewal.

Each approved valet zone shall be designated for a period of one year and shall require payment to the director of an annual fee of \$300.00, plus a one-time fee to cover the city's actual cost of making and installing signage designating the valet zone. The fee shall be reviewed and approved by the director on an annual basis and adjusted to fully recover the city's costs, taking into account zone designation issuance and renewal costs, inspection and oversight services that may be required, and equipment and resource utilization, provide that no fee increase in excess of 5 percent per year shall be implemented without prior approval of city council.

A valet zone designation may be renewed by filing an application pursuant to section 26-443 of this Code at least 30 days prior to the expiration of the zone designation. A valet zone designation renewal application shall be reviewed and approved or denied pursuant to section 26-445 of this Code.

Sec. 26-447. Signage.

(a) Upon the traffic engineer's receipt of a one-time fee to cover the city's actual cost of making and installing the signage for an approved designation of a valet zone, he shall place and maintain appropriate signs indicating the same and stating the days and hours during which the valet zone is authorized to operate. The parking official is hereby authorized to install, maintain, and remove signs with the approval of the traffic engineer.

(b) For valet zones operating at commercial event venues where valet operations are provided for events when scheduled but not during regularly-fixed days and times, the traffic engineer shall place and maintain appropriate flip signage. Such flip signage shall be designed so that the signage may be manipulated to display an indication either that the valet parking service zone is in operation or that public parking is available in the zone. The signage indicating a valet zone shall be displayed not more than two hours prior to a scheduled event and while the zone is in operation for a scheduled event. At all other times the signage shall indicate that the public may park in the zone, subject to any other parking restrictions applicable to such zone.

Sec. 26-448. Transfer; notice and approval of changes.

(a) Any transfer of a zone designation to another owner or tenant of one or more commercial establishments shall be subject to an application to be filed in the same manner as under section 26-443 of this Code along with a transfer application review fee of \$75.00. Such transfer shall only be authorized to the extent that the applicant is qualified

under this division. The director may authorize the parking official to utilize modified application forms and procedures when the location and parking plan will remain unchanged. The parking official may authorize the applicant to operate in the valet zone on a temporary basis pending his determination if, based upon an initial review of the application, it appears that the applicant will be qualified. If the application is denied, the applicant must cease to utilize the designated valet zone, which shall terminate on the thirtieth day following notice of denial and any appeal therefrom, unless the applicant comes into compliance with this article.

(b) The holder of a valet zone designation shall notify the parking official not less than 10 days prior to any proposed change in times/days of operation of the valet zone, any change of valet parking service operator, or any changes in the parking plan in a designated valet zone. After receipt of such notification and a fee of \$10.00, the parking official, in consultation with the traffic engineer, will review and approve or disapprove the proposed changes and notify the holder of his decision. The parking official shall provide signage to reflect approved changes in times/days of operation.

Sec. 26-449. Temporary valet zones.

(a) An application for a temporary valet zone designation shall be submitted to the parking official not later than seven business days prior to the desired effective date of the zone designation. Upon receipt of an application for a temporary valet zone designation the owner or tenant of one or more commercial establishments located on a blockface containing the information required in section 26-443 of this Code and a fee of \$100.00, the parking official, in consultation with the traffic engineer, may establish a temporary valet zone upon a determination:

- (1) By the parking official that the valet parking service will be provided by a valet parking operator permitted to operate in accordance with division 3 of this article; and
- (2) By the traffic engineer that the temporary valet zone designation is feasible and consistent with sound traffic engineering and mobility practices and the parking of vehicles pursuant to the valet parking plan will not create a public safety hazard.

(b) The temporary valet zone designation shall allow the operation of valet parking service during specified hours and days for up to a fourteen-day period. Upon approval of the temporary valet zone designation, the parking official shall provide a temporary valet zone designation certificate, which shall indicate the authorized days and hours of operation, and appropriate nonpermanent signage to the applicant, who shall be responsible for placing the signage in the locations determined by the traffic engineer.

(c) The owner or tenant of one or more commercial establishments may receive designation of a temporary valet zone up to six times in a twelve-month period, provided that for a major event venue, the owner or tenant may receive designation of a temporary valet zone up to twenty times in a twelve-month period.

Sec. 26-450. Special events.

A valet parking operator shall notify the parking official not later than 48 hours before a special event that it will provide valet parking services for the special event and provide the following information:

- (1) The name, address and telephone number of the valet parking operator;
- (2) The address of the establishment or residence to be served;
- (3) The days and times of operation;
- (4) The locations, including street names and block designations, where the valet parking operator will store vehicles, and a description of the portions of the roadway, if any, to be utilized for pick-up and drop-off of vehicles.

Sec. 26-451. Suspension of valet zone designation.

(a) Each valet zone is subject to temporary or permanent suspension by the director upon the traffic engineer's determination that the continued operation of the valet zone will interfere with the safe and efficient flow of vehicular and pedestrian traffic, without refund of any portion of the annual fee.

(b) A temporary suspension shall specify the number of days that the valet zone operation is suspended. The holder of a valet zone designation, upon written request made within ten days of receipt of the notice of the suspension, shall be afforded an opportunity for a hearing before a hearing officer appointed by the director regarding the permanent suspension of a valet zone or the temporary suspension of a valet zone of more than seven days. The hearing officer's determination shall be final.

Sec. 26-452. Revocation of valet zone designation.

(a) A valet zone designation may be revoked without refund of any portion of the annual and signage fees if the director determines that:

- (1) A violation of any condition of the valet zone designation exists;

- (2) The holder of a valet zone designation has failed to regularly provide or maintain valet parking service during any day or time period designated on the signs posted in the valet zone;
- (3) The holder of a valet zone designation or the valet parking service permittee has allowed or provided valet parking service on days or times other than those authorized in the valet zone designation;
- (4) The holder of a valet zone designation has failed to renew the designation in accordance with section 26-446 of this Code;
- (5) The valet parking service permittee has failed to operate in accordance with the parking plan for the associated valet zone designation; or
- (6) The valet parking service permittee has failed to operate in accordance with the requirements for operating a valet parking service as set forth in division 3 of this article.

(b) Notice of a revocation shall be provided to the holder of a valet zone designation by depositing the same in the United States mail, first class, certified, return receipt requested, addressed to the address of the holder shown in the valet zone application. The notice shall set forth the alleged grounds for the revocation and the opportunity to request a hearing regarding the revocation.

(c) If the holder of the valet zone designation wishes to request a hearing, such request must be made in writing and provided to the director within 20 days of the date of the director's notice of revocation. Pending the hearing, the director may suspend the valet zone designation pursuant to section 26-451(a). At the hearing, the burden of demonstrating that a valet zone designation should be revoked shall be upon the city. The holder of the valet zone designation may also present evidence and cross examine witnesses. The hearing shall be conducted by a hearing officer appointed by the director, who shall revoke the permit if he determines by a preponderance of the evidence that grounds exist for revocation. The decision of the hearing officer to revoke a permit shall be made in writing and shall set forth the grounds therefor. The hearing officer's determination shall be final.

Secs. 26-453--26-470. Reserved.