

RULES FOR VALET SERVICES

Definitions

Defined terms used in these rules shall have the meanings assigned to them in City Code, Chapter 13-5 or as follows:

Attendant means a person who operates a vehicle between a designated area and a parking facility on behalf of a Permit or License Holder.

Compliance Plan means the written plan regarding the licensee's or permittee's internal program and policy decisions and proposed actions in order to come into compliance with the standards established by the City's valet laws and regulations, in order to avoid further violations of the City's ordinances or director's rules.

Designated Area means the parking spaces designated along the curb line of a business or residence where an attendant may receive or return vehicles.

Director's Rules means rules and procedures established by the director of transportation, under Chapter 13-5-3, to provide additional guidance and clarity on the provision of valet services.

District Service Area means the parking spaces of two or more premises located within the same block face, filing for permit jointly, benefiting from a designated area located within close proximity where an attendant may receive and return vehicles.

Double Park means to park alongside another vehicle already parked parallel to the curb.

License Holder means a person(s) who holds a license from the city under chapter 13-5 of the code to operate a valet parking service whose business is or includes the provision of valet parking services to and from a service location so that the driver and passengers in the vehicle may unload and load at their immediate destination. License holder includes any employee, agent or representative of the licensee.

Notice means a communication such as a letter, citation or civil penalty, warning or announcement.

Permit Holder means a business owner(s) who holds a permit from the City under chapter 13-5 of the code to operate a valet parking service at a designated area or district service area at their establishment. The term includes any employee, agent or independent contractor hired by the permit holder.

Traffic Control Device means signs, markings, and other devices used to regulate, warn, or guide road users of current or changed roadway conditions. Pursuant to Texas state law a police officer is recognized as a traffic control device.

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Article 1. Duties of the Director

Section 1.01 The Director, with assistance from Parking Enforcement, shall enforce the Director's Rules and the requirements contained in Chapter 13-5 of the City Code.

Section 1.02 The Director, with assistance from Parking Enforcement and Right of Way Management, shall provide notification to the Permit and License Holders in writing through issuance of citation or correspondence, of each violation of Chapter 13-5 and the Director's Rules.

Section 1.03 The Director shall install regulatory signage to establish or maintain a valet service area at the Permit or License Holder's sole cost.

Section 1.04 Within one year of rule implementation, the Director shall conduct a public meeting on potential rule revisions. The meeting shall be held by the Urban Transportation Commission, who will provide a recommendation to the director.

Article 2. Duties of the Permit Holder

Section 2.01 The Permit Holder shall comply with all applicable traffic laws, requirements contained in Chapter 13-5 of the City Code and the Director's Rules.

Section 2.02 The Permit Holder shall install director approved supplemental traffic control devices at the beginning of each day or hours of operation that valet service is offered.

Section 2.03 The Permit Holder shall remove director approved supplemental traffic control devices at the end of each day or hours of operation that valet service is offered.

Section 2.04 The Permit Holder shall keep a copy of the approved permit on site at all times during hours of operation and will present the document to City officials upon request.

Section 2.05 The Permit Holder shall not allow pedestrian access in the right of way to be blocked due to the provision of valet services.

Section 2.06 Application may be made jointly by two or more premises within the same block face by the owner(s) or lessee(s) of those premises benefiting from the proposed district service area.

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Article 3. Duties of the License Holder

Section 3.01 The License Holder shall comply with all applicable traffic laws, Director's Rules and the requirements contained in Chapter 13-5 of the City Code.

Section 3.02 The License Holder shall keep a copy of the approved license on site at all times and will present the document to City officials upon request.

Section 3.03 The License Holder shall maintain an unobstructed, minimum 6 feet wide pedestrian pathway, at all service locations.

Section 3.04 The License Holder shall provide valet services at the times listed on the regulatory signs that mark the designated area.

Section 3.05 The License Holder shall provide adequate staffing to ensure that vehicles do not remain in the designated area longer than the times listed in Section 4.02.

Section 3.06 The License Holder shall provide attendants the following:

- A. Training and a manual on local and state laws governing valet parking. Training must detail what constitutes a violation and how to avoid violations.
- B. City approved method of identifying attendants.
- C. Director approved retro-reflective material to enter the street after dusk.
- D. Uniform or shirt which identifies the attendant as an authorized employee of the License Holder.

Section 3.07 The License Holder shall maintain custody of the keys to a vehicle while the vehicle is unattended.

Section 3.08 The valet operator shall immediately inform a customer of a parking citation issued to the customer's vehicle during the time the vehicle was parked by the License Holder.

Article 4. Vehicle Handling

Section 4.01 The License and Permit Holder shall not:

- A. Double park a vehicle.

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- 2 B. Receive, deliver or park a vehicle on any portion of the public right of way,
- 3 outside of the designated area or district service area.
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- 5 C. Leave a vehicle unattended in the public right of way, except within the
- 6 designated area or district service area.
- 7
- 8 D. Park a vehicle on private property, unless written authorization has been
- 9 obtained from the owner or lessee of the property.
- 10
- 11 E. Violate a law relating to the stopping, standing, or parking of motor
- 12 vehicles.
- 13
- 14 F. Allow attended vehicles of the operator's customers to temporarily queue
- 15 in the traffic lane adjacent to the designated area if:
- 16 (1) traffic behind the queue obstructs an intersection;
- 17 (2) blocks public access to a business or residence; or
- 18 (3) creates a safety hazard.
- 19

20 **Section 4.02** The Licensee and Permit Holder may allow the following:

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- 22 A. Vehicles may remain in a designated area for no more than 45 minutes.
- 23

24 **Article 5. Violations, Suspensions and Civil Penalties**

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26 **Section 5.01** The following violation(s) shall result in denial of an initial or renewal of a

27 Valet Permit or license request and Civil Penalty up to \$500 per

28 occurrence.

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- 30 A. Operating an on-street valet parking service on public right-of-way without
- 31 a valid on-street valet operating license.
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- 33 B. Offering valet service at a business establishment on public right-of-way
- 34 without a valid Valet Permit.
- 35

36 **Section 5.02** The following violation(s) of Chapter 13-5 shall result in Civil Penalty up to

37 \$500 per occurrence. Six convictions of any of the following violations,

38 within one year of a permit being issued may also result in revocation of

39 the permit.

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- 41 A. Parking vehicle(s) within the right of way outside the "Designated Area" or
- 42 "District Service Area."
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- 44 B. Allowing attendants convicted of more than two moving violations within
- 45 any 12-month period during the preceding three years, to operate
- 46 customer's vehicles.

- C. Operating without City approved, liability/ garage keepers insurance.

Section 5.03 The following violation(s) shall result in a Civil Penalty up to \$500 per occurrence.

- A. Receiving, delivering or parking vehicle(s) on any portion of the right of way outside the "Designated Area".
- B. Leaving a vehicle unattended in the street except within the designated area.
- C. Parking a vehicle on private property without written authorization from the owner or lessee of the property.
- D. Operating an on-street valet parking service without a copy of the approved permit present on site during operations.
- E. Operating an on-street valet parking service with an expired, suspended or revoked operating license or permit.
- F. Allowing a vehicle to remain in a designated area for more than 45 minutes.
- G. Allowing attended vehicles of the operator's customers to:
 - 1. obstruct an intersection;
 - 2. block public access to a business or residence; or
 - 3. create a safety hazard.
- H. The License Holder not maintaining custody of the keys left by customers.
- I. Reducing pedestrian pathway to less than 6 feet wide.
- J. Not placing a valet tag inside the vehicle.

Section 5.04 Permits may be suspended based on the following:

- A. According to Chapter 13-5, each violation is a separate offense and may occur daily.
- B. Upon receipt of a seventh conviction within one year of a permit being issued, a permit shall be suspended for one week and no valet operation may occur while a permit is suspended. Prior to end of the suspension period, the Permit Holder will have to provide the City a compliance plan for improving their operations and proposed action to avoid future violations.

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- 2 C. Receipt of any additional convictions within one year of a permit being
- 3 issued will result in a two week suspension of the permit. Prior to the end
- 4 of the suspension period, the Permit Holder will have to provide the City a
- 5 compliance plan for improving their operations and proposed action to
- 6 avoid future violations.
- 7
- 8 D. Nothing herein waives the right of the City to immediately suspend a
- 9 permit based on immediate threats to public health and safety issues.

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11 **Section 5.05** If a complaint is received by the city of a permitted or licensed location or

12 upon conviction the City may institute video surveillance of the operation

13 to be conducted within a 3-week time frame provided by the Director or

14 designee.

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16 **Section 5.06** During the City video surveillance period if any violation of the ordinance

17 or rules is observed, the City may record the violation in the permittee or

18 licensee’s file and/or institute proceedings to seek penalties as provided

19 for in section 13-5-53.

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21 **Section 5.07** After the three week observation period the director will advise the

22 permittee or licensee of results of the observations and what enforcement,

23 if any, the City may seek, to include but not be limited to suspension,

24 revocation or civil penalties. The permittee or licensee shall address the

25 issues raised by the director’s report within seven days of the report by

26 providing a written compliance plan detailing the steps that will be followed

27 in order to come into compliance with the city’s requirements.

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29 **Section 5.08** Designated Areas that are “abandoned” or are not utilized for 10

30 consecutive business days will be subject to permit revocation.

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32 **Article 6. Approved Supplemental Traffic Control Devices**

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34 **Section 6.01** The Director shall determine if, for the benefit of the traveling public,

35 additional regulatory signage is needed to better delineate the designated

36 area or district service area.

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38 **Section 6.02** The Director may require banners, Gorilla Sticks or other devices to be

39 installed advertising the provision of valet services at the expense of the

40 permit holder.

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42 **Article 7. Establishing Designated Areas or District Service**

43 **Areas**

1 **Section 7.01** Shall be approved by the City's Traffic Engineer or authorized
2 representative.
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4 **Section 7.02** City's Traffic Engineer's may consider the following factors when
5 authorizing a permit or license for a designated area or district service
6 area as follows:
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- 8 A. Shall utilize a minimum of 66 feet in curb length, unless an exception has
9 been granted by the City's Traffic Engineer.
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- 11 B. May not exceed the length of the Permit Holder's property frontage, unless
12 Permit Holder obtains written permission from the business fronting the
13 additional spaces or files for permit jointly.
- 14
- 15 C. Shall be permitted only on City streets that are a minimum of 28 feet wide,
16 curb to curb.
- 17
- 18 D. Shall be permitted only within designated public parking spaces, as
19 authorized by the City's Traffic Engineer.
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- 21 E. Shall not block or conflict with a crosswalk or an intersection.
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- 23 F. Shall not be located within 5 feet of a driveway.
- 24
- 25 G. Shall not create a conflict with a designated bus stop.
- 26
- 27 H. Shall not reduce the unobstructed space on a sidewalk, for the passage of
28 pedestrians to less than 6 feet wide, unless a greater distance is required
29 by the City's Traffic Engineer and warranted by special pedestrian traffic
30 conditions.
- 31
- 32 I. Shall not be located within the area used by vehicle detection devices
33 near signalized intersections.
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- 35 J. No new permits or licenses shall be issued for valet operating services
36 located on the following public rights of way. Existing valet permits or
37 licenses on the listed public right-of-way may continue operation until their
38 permit expires by its terms or is otherwise revoked.
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 - 40 a. East or West Cesar Chavez
 - 41 b. Lavaca Street
 - 42 c. Guadalupe Street
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44 **Section 7.03** Requests for additional use of parking areas must be evaluated by the
45 Traffic Engineer or authorized representative. Prior to approval for an

1 increase in a designated area or district service area, space needs and
2 vehicle service usage data may be requested for further consideration.

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