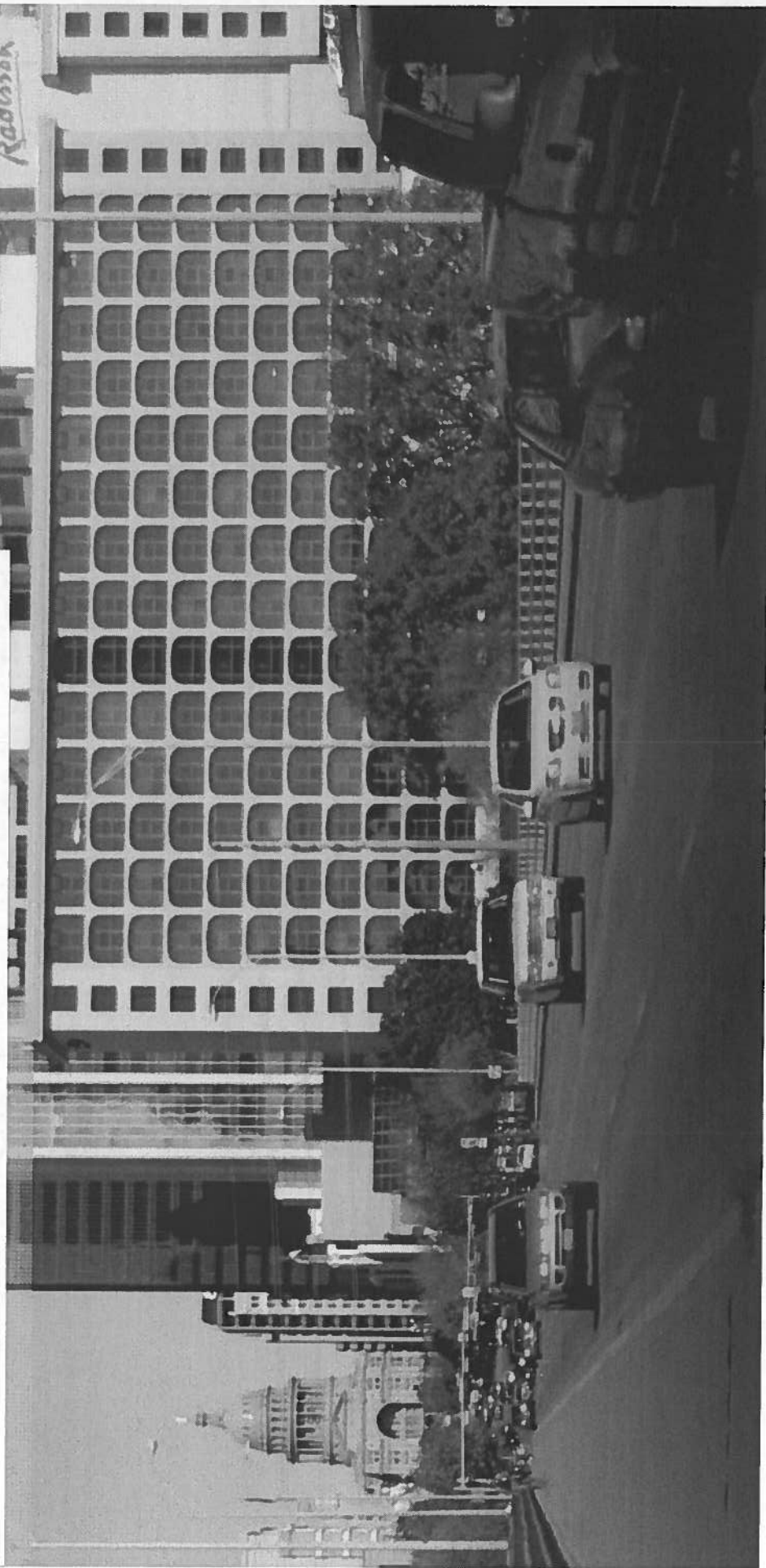


AUSTIN MOBILITY

VALET AMENDMENTS

10.08.12

CREATED FOR THE COMPREHENSIVE
PLANNING AND TRANSPORTATION COMMITTEE



VALET ASSESSMENT

Per Council directive, staff has been assessing the ordinance regularly with valet operators and businesses (Ordinance No. 20110818-074). Stakeholder meetings were conducted on the following dates:

- 8.23.11
- 9.27.11
- 10.5.11
- 6.8.12



THE “GOOD NEWS”

Through the use of approximately 180 downtown spaces, valet is a service that benefits the people of Austin.

- Places thousands of cars into private parking facilities daily.
- Friendly amenity for visitors.
- Provides alternative for mobility impaired.



THE “BAD NEWS”

During the stakeholder meeting process, the following areas of improvement were identified.

- Consistent Enforcement
- Clarity
- Space Efficiency
- Rules and Guidelines
- Updated Fee Structure



CLARITY

Terms are being added or modified to better convey City expectations.

- Definitions - “Designated Area” and “District Service Area”
- Restrictions and Requirements
- Authority of the City
- Duration of time for temporary permits
- Requests for modification to permit



SPACE EFFICIENCY

Parking spaces are being used inefficiently and contrary to the intent of the ordinance.

Recommended changes include:

- Remove the 1/3 rule and establish specific, maximum standing times.
- Requiring supplemental devices in certain locations.
- Seeking vehicle service data through our permitting process, to better understand the public benefit.

RULES AND GUIDELINES

Terminology needs to change and a specific set of guidelines are needed, outlining areas of responsibility.

- Renaming one of the authorizations in the ordinance, to better delineate areas of responsibility.
- Adding a section related to conformance with Texas State licensing requirements.
- Establish Director's Rules. Provide a more transparent permit revocation process. The Director's Rules call for a conviction, before the City counts a violation at an account. Provides a fair process for Operators.



AUSTIN MOBILITY

Making mobility better, together.



10.8.2012 /PRESENTED TO THE COMPREHENSIVE
PLANNING AND TRANSPORTATION COMMITTEE



PROPOSED FEE SCHEDULE

The current fee structure has been in place since 1999, and needs to be updated. Below represents a phased implementation schedule.

- **First Year (2013):**
 - \$0.20 per hour of operation per year.
 - No charge from midnight to 8am.
- **Second Year (2014):**
 - \$0.40 per hour of operation per year.
 - No charge from midnight to 8am.
 - 20% discount offered for district service area.
- **Third Year (2015):**
 - \$0.60 per hour of operation per year.
 - No charge from midnight to 8am.
 - 20% discount offered for district service area.



COST RECOVERY

Below are estimates on the costs to administer a comprehensive valet program, to include the addition of 1 fulltime enforcement employee.

- Permitting Processing - 1 Full-Time Employee - \$70K
- Enforcement – 2 Full-Time Positions - \$120K
(1 full time employee accounts for time spent by 8 evening enforcement officers identifying issues and relaying to citation staff member)
- Miscellaneous – ½ Full-Time Employee - \$40K
(Part time work by 5 to 7 additional management team members)



COST RECOVERY

Below are the yearly revenue estimates for the phased implementation plan.

- 2013 - \$137,163
- 2014 - \$274,325
- 2015 - \$411,487

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.

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.

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.

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

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

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

Article 5. Violations, Suspensions and Civil Penalties

Section 5.01 The following violation(s) shall result in denial of an initial or renewal of a Valet Permit or license request and Civil Penalty up to \$500 per occurrence.

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

Section 5.02 The following violation(s) of Chapter 13-5 shall result in Civil Penalty up to \$500 per occurrence. Six convictions of any of the following violations, within one year of a permit being issued may also result in revocation of the permit.

- A. Parking vehicle(s) within the right of way outside the "Designated Area" or "District Service Area."
- B. Allowing attendants to operate customer's vehicles without a valid class A, B or C Texas driver's license

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- 1
2 C. Operating without City approved, liability/ garage keepers insurance.
3

4 **Section 5.03** The following violation(s) shall result in a Civil Penalty up to \$500 per
5 occurrence.
6

- 7 A. Receiving, delivering or parking vehicle(s) on any portion of the right of
8 way outside the "Designated Area".
9
10 B. Leaving a vehicle that has been received, unattended in the street except
11 within the designated area.
12
13 C. Parking a vehicle on private property without written authorization from the
14 owner or lessee of the property.
15
16 D. Operating an on-street valet parking service without a copy of the
17 approved permit present on site during operations.
18
19 E. Operating an on-street valet parking service with an expired, suspended
20 or revoked operating license or permit.
21
22 F. Allowing a vehicle to remain in a designated area for more than 45
23 minutes, except when customers have been provided sufficient notice that
24 unclaimed vehicles may be returned to the designated area, after the
25 service hours posted on the regulatory signs.
26
27 G. Allowing attended vehicles of the operator's customers to:
28 1. obstruct an intersection;
29 2. block public access to a business or residence; or
30 3. create a safety hazard.
31
32 H. The License Holder not maintaining custody of the keys left by customers.
33
34 I. Reducing pedestrian pathway to less than 6 feet wide.
35
36 J. Not placing a valet tag inside the vehicle.
37

38 **Section 5.04** Permits may be suspended based on the following:
39

- 40 A. According to Chapter 13-5, each violation is a separate offense and may
41 occur daily.
42
43 B. Upon receipt of a seventh conviction within one year of a permit being
44 issued, a permit shall be suspended for one week and no valet operation
45 may occur while a permit is suspended. Prior to end of the suspension
46 period, the Permit Holder will have to provide the City a compliance plan

for improving their operations and proposed action to avoid future violations.

C. Receipt of any additional convictions within one year of a permit being issued will result in a two week suspension of the permit. Prior to the 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.

D. Nothing herein waives the right of the City to immediately suspend a permit based on immediate threats to public health and safety issues.

Section 5.05 If a valid complaint, which includes specific dates and times, is received by the city of a permitted or licensed location or upon conviction the City may institute video surveillance of the operation to be conducted within a 3-week time frame provided by the Director or designee, to the permit holder.

Section 5.06 During the City video surveillance period if any violation of the ordinance or rules is observed, the City may record the violation in the permittee or licensee's file and/or institute proceedings to seek penalties as provided for in section 13-5-53.

Section 5.07 After the three week observation period the director will advise the permittee or licensee of results of the observations and what enforcement, if any, the City may seek, to include but not be limited to suspension, revocation or civil penalties. The permittee or licensee shall address the issues raised by the director's report within seven days of the report by providing a written compliance plan detailing the steps that will be followed in order to come into compliance with the city's requirements.

Section 5.08 Designated Areas that are "abandoned" or are not utilized for 10 consecutive business days will be subject to permit revocation.

Article 6. Approved Supplemental Traffic Control Devices

Section 6.01 The Director shall determine if, for the benefit of the traveling public, additional regulatory signage is needed to better delineate the designated area or district service area.

Section 6.02 The Director may require banners, Gorilla Sticks or other devices to be installed advertising the provision of valet services at the expense of the permit holder.

Article 7. Establishing Designated Areas or District Service Areas

Section 7.01 Shall be approved by the City's Traffic Engineer or authorized representative.

Section 7.02 City's Traffic Engineer's may consider the following factors when authorizing a permit or license for a designated area or district service area as follows:

- A. Shall utilize a minimum of 66 feet in curb length, unless an exception has been granted by the City's Traffic Engineer.
- B. May not exceed the length of the Permit Holder's property frontage, unless Permit Holder obtains written permission from the business fronting the additional spaces or files for permit jointly.
- C. Shall be permitted only on City streets that are a minimum of 28 feet wide, curb to curb.
- D. Shall be permitted only within designated public parking spaces, as authorized by the City's Traffic Engineer.
- E. Shall not block or conflict with a crosswalk or an intersection.
- F. Shall not be located within 5 feet of a driveway.
- G. Shall not create a conflict with a designated bus stop.
- H. Shall not reduce the unobstructed space on a sidewalk, for the passage of pedestrians to less than 6 feet wide, unless a greater distance is required by the City's Traffic Engineer and warranted by special pedestrian traffic conditions.
- I. Shall not be located within the area used by vehicle detection devices near signalized intersections.
- J. No new permits or licenses shall be issued for valet operating services located on the following public rights of way. Existing valet permits or licenses on the listed public right-of-way may continue operation until their permit expires by its terms or is otherwise revoked.
 - a. East or West Cesar Chavez
 - b. Lavaca Street
 - c. Guadalupe Street

Draft May 11, 2012_CJC

- 1 **Section 7.03** Requests for additional use of parking areas must be evaluated by the
- 2 Traffic Engineer or authorized representative. Prior to approval for an
- 3 increase in a designated area or district service area, space needs and
- 4 vehicle service usage data may be requested for further consideration.

DRAFT

ORDINANCE NO.

AN ORDINANCE AMENDING CITY CODE CHAPTER 13-5 RELATING TO PROVISION OF VALET PARKING SERVICES, AMENDING LICENSE AND PERMIT REQUIREMENTS, AND AMENDING PENALTY PROVISIONS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. City Code Section 13-5-1 (*Definitions*) is amended to read:

§ 13-5-1 DEFINITIONS.

In this chapter:

- (1) DESIGNATED AREA means the parking spaces designated along the curb line of a business or residence within public right-of-way as indicated by appropriate signage or markings where a valet operator may receive or return vehicles under a permit issued by the department [~~from and return vehicles to the customers of the business~~].
- (2) DEPARTMENT means the department designated by the city manager.
- (3) DIRECTOR means the department director designated by the city manager.
- (4) DISTRICT SERVICE AREA means the parking spaces within the public right-of-way designated along the curb line of two or more premises located within the same block face, as indicated by appropriate signage or markings where a valet operator may receive or return vehicles under a permit filed by two or more owners or lessees of businesses or residences and issued by the department.
- ~~(5)~~[(4)] ON-STREET VALET PARKING SERVICE means a valet parking service in which the valet operator receives a vehicle from or returns a vehicle to a customer within the designated service area or designated area [~~at an area in a public street~~].
- ~~(6)~~[(5)] SERVICE LOCATION means the location of the business or residence served by the valet parking service.
- ~~(7)~~[(6)] VALET OPERATOR means a person or the person's employee that provides valet parking services to a business or residence.

1 (8)[(7)] VALET PARKING SERVICE means the service of receiving, parking, and
2 returning vehicles for the customers, guests or invitees of a business or
3 residence.

4 **PART 2.** City Code Section 13-5-2 (*Restriction on On-Street Valet Parking*) is repealed
5 and replaced as follows:

6 **§ 13-5-2 RESTRICTION ON ON-STREET VALET PARKING.**

7 It is unlawful for any person to provide valet parking services without a valet
8 operating license or valet parking permit, and no person shall provide valet parking
9 services in which a portion of the public right-of-way is used to receive, return, or store
10 vehicles, except as allowed by this chapter.

11 **PART 3.** City Code Section 13-5-3 (*Rulemaking*) is amended to read:

12 **§ 13-5-3 RULEMAKING.**

13 The director shall promulgate rules and procedures to implement this chapter. The
14 director shall file a copy of the rules and procedures with the city clerk. All persons who
15 receive permits or licenses under this chapter are subject to the director's rules.

16 **PART 4.** City Code Chapter 13-5-4 (*Insurance*) is amended to read:

17 **§ 13-5-4 INSURANCE.**

18 A valet operator or a valet parking permit holder must maintain general liability
19 insurance coverage as required by the director continuously during the term of the permit
20 or license through insurance carriers that are authorized or eligible to do business in the
21 state of Texas.

22 **PART 5.** City Code Chapter 13-5 (*Valet Parking Services*) is amended to add the
23 following sections:

24 **§ 13-5-5 NO PRIVATE RIGHTS IN STREETS.**

25 Nothing in this chapter shall be construed to give any person, whether or not a
26 permittee or licensee, any property right in, or to, the use of any street or public right-of-
27 way. All permits and licenses issued and held under this chapter shall be subject to the
28 superior right of the public to the safe and orderly movement of traffic.

29 **§ 13-5-6 TEMPORARY SUSPENSION.**

30 All valet operations are subject to immediate suspension when a police officer or
31 other authorized city enforcement official determines that the continued operation of the
32 valet service constitutes a hazard to the public health, safety or welfare, including

1 interfering with the safe operation of the streets for pedestrians and the normal flow of
2 traffic.

3 **PART 6.** City Code Chapter 13-5, Article 2 (*Valet Operating Permit*) is amended to
4 read:

5 **ARTICLE 2. VALET OPERATION LICENSE [~~PERMIT~~]**

6 **PART 7.** City Code Chapter 13-5-21 (*On-Street Valet Operating Permit Required*) is
7 renamed and amended to read:

8 **§ 13-5-21 ON-STREET VALET OPERATING LICENSE [~~PERMIT~~] REQUIRED.**

9 (A) A person may not operate an on-street valet parking service without an on-
10 street valet operating license [~~permit~~] issued under this chapter.

11 (B) A person may operate a valet parking service conducted entirely on private
12 property without a valet operating license [~~permit~~].

13 **PART 8.** City Code Section 13-5-22 (*Application for a Valet Operating Permit*) is
14 renamed and amended to read:

15 **§ 13-5-22 APPLICATION FOR A VALET OPERATING LICENSE [~~PERMIT~~].**

16 (A) A person who desires to operate a valet parking service on public right-of-
17 way shall apply in writing to the director for a valet operating license. To
18 obtain or renew an on-street valet operating license [~~permit~~] a person must:

- 19 (1) submit a completed [~~an~~] application to the director on a form
20 prescribed by the director;
- 21 (2) pay the application [~~annual~~] fee prescribed by ordinance for the
22 license [~~permit~~]; and
- 23 (3) pay the [~~annual~~] fee for each location at which the applicant intends to
24 provide valet parking services.

25 (B) An application for a valet operating license [~~permit~~] must include the
26 following:

- 27 (1) the name, mailing address, and phone number of the applicant;
- 28 (2) the name and location of each service location at which the applicant
29 intends to provide on-street valet parking service;
- 30 (3) the hours of operation of the on-street valet parking service at each
31 service location;

- (4) documentation showing that the applicant has an insurance policy as required by Section 13-5-4 (*Insurance*);
- (5) certification that each of the applicant's employees has a driver's license valid in the State of Texas, and has received a manual and training instructing the employee in the local and state laws governing valet parking;
- (6) certification that the applicant's employees who ~~[are]~~ engage[d] in valet parking vehicles will wear retro-reflective ~~[safety vests or other retroreflective]~~ material outerwear while working during the nighttime, as approved by the director;
- (7) certification that loading or offloading of customers from vehicles will occur only in the designated area at each service location;
- (8) a telephone number to allow the department to contact the applicant or an employee 24 hours a day; ~~[and]~~
- (9) the location of any signs or attendant stands to be used by the applicant at the service location and the designated area; and [-]
- (10) the location of off-street parking to be used in connection with the valet operation and a signed agreement or other documentation showing that the applicant has a legal right to park vehicles at that location.

PART 9. City Code Section 13-5-23 (*Issuance of Valet Operating Permit*) is renamed and amended to read:

§ 13-5-23 ISSUANCE OF VALET OPERATING LICENSE [PERMIT].

- (A) Unless denial is required by Section 13-5-41 (*Issuance or Denial of Permit or License*), the [The] director shall issue a valet operating license [permit] for the service location if the applicant complies with the requirements of Section 13-5-22 (*Application for a Valet Operating License* [Permit]).
- (B) The director shall list on the valet operating license [permit] each service location and times of service at which the license [permit] holder may provide on-street valet parking services.

PART 10. City Code Sections 13-5-24 (*Duties of a Permit Holder*) and 13-5-25 (*Duties and responsibilities of Valet Operator*) are combined under Section 13-5-24 and amended to read:

§ 13-5-24 DUTIES AND RESPONSIBILITIES OF A LICENSE [PERMIT] HOLDER.

- (A) A license [~~permit~~] holder may not provide on-street valet parking service at a service location unless the location is approved by the department and listed on:
- (1) the license [~~permit~~]; or
 - (2) a temporary license [~~permit~~] for the service location.
- (B) A license [~~permit~~] holder shall keep a copy of the license [~~permit~~] readily available at the service location during hours of operation, and shall produce the copy on the request of the director or a police officer.
- (C) A license [~~permit~~] holder may not allow a vehicle to remain parked in or adjacent to the service location, designated area or district service area for more than 45 minutes [~~use no more than one-third of the parking spaces in the designated area to park customer vehicles~~]. A vehicle may not be parked in a designated area of a service location unless traffic may move safely in the lanes adjacent to the designated area.
- (D) A license [~~permit~~] holder shall pay to the City the cost of parking meter or pay station hoods provided by the City and traffic control devices installed under Section 13-5-34 (*Indication of Designated Area or District Service Area*).

~~[§ 13-5-25 DUTIES AND RESPONSIBILITIES OF VALET OPERATOR.]~~

- (E)[~~(A)~~] A license holder [~~valet operator~~] shall provide each of the operator's employees a manual and training on local and state laws governing valet parking. Training must include review of the requirements specified in the director's rules and this ordinance.
- (F)[~~(B)~~] A license holder [~~valet operator~~] shall place the operator's booth or stand at the service location in a manner that will maintain [~~on the sidewalk~~] an unobstructed pedestrian pathway on the sidewalk that is at least six feet wide.
- (G)[~~(C)~~] A license holder [~~valet operator~~] shall provide [~~a~~] retro-reflective [~~safety vest or other retroreflective~~] material on employee's outerwear approved by the director to an employee who enters the street while on duty during nighttime hours. An employee shall be required to wear the retro-reflective outerwear [~~retroreflective vest or retroreflective material~~] while on duty.
- (H)[~~(D)~~] A license holder [~~valet operator~~] is responsible for the security of keys left by a customer with the operator[~~by a customer.~~], and [~~The valet operator~~] shall keep the keys in a secure place.

1 (I)(E) A license holder ~~[valet operator]~~ shall place a valet parking tag inside each
2 customer's vehicle that includes the following information, which must be
3 clearly legible from the outside of the vehicle:

- 4 (1) the name of the ~~[valet operator]~~ license holder; and
5 (2) a telephone number that will allow the customer to obtain information
6 about the valet parking operation 24 hours a day.

7 (J)(F) The information required by Subsection (I)(E)(2) may be provided by a
8 recorded message that informs a customer of the time and place the
9 customer may obtain keys left in the ~~[valet operator's]~~ license holder's
10 custody, and the location of the parking facility at which the ~~[valet operator]~~
11 license holder parks vehicles for each service location.

12 (K) Each of the license holder's employees shall operate vehicles in compliance
13 with all applicable federal, state, and local laws, in a manner that assures the
14 safety of persons and property and shall possess a valid class A, B, or C
15 Texas driver's license.

16 **PART 11.** City Code Section 13-5-26 (*Restrictions on Handling Vehicles*) is amended to
17 read:

18 **§ 13-5-26 RESTRICTIONS ON HANDLING VEHICLES.**

19 (A) A ~~[valet operator]~~ license holder may not:

- 20 (1) double park a vehicle;
21 (2) park a customer's vehicle on a public street outside of the designated
22 area;
23 (3) leave a vehicle unattended in the street except in the designated area
24 and for the time period limited by Section 13-5-24(C) (*Duties and*
25 *Responsibilities of a License* ~~[Permit]~~ *Holder*);
26 (4) receive or return a customer's vehicle at a location other than the
27 designated area for the service location;
28 (5) park a vehicle on private property unless written authorization has
29 been obtained from the owner or lessee of the property; or
30 (6) violate a law relating to the stopping, standing, or parking of motor
31 vehicles.

32 (B) A ~~[valet operator]~~ license holder shall have custody of the keys to a vehicle
33 while the vehicle is unattended in the designated area.

1 (C) A ~~[valet operator]~~ license holder may allow attended vehicles of the
2 operator's customers to temporarily queue in the traffic lane adjacent to the
3 designated area if the queuing does not:

- 4 (1) cause traffic behind the queue to obstruct an intersection;
5 (2) block public access to a business or residence; or
6 (3) create a safety hazard.

7 **PART 12.** City Code Section 13-5-31 (*Valet Parking Permit Required*) is amended to
8 read:

9 **§ 13-5-31 VALET PARKING PERMIT REQUIRED.**

- 10 (A) A person operating a business establishment or residential property may not
11 provide on-street valet parking service to customers, guests or other invitees
12 unless the person has a valet parking permit issued under this chapter.
- 13 (B) A person operating a business establishment or at a residence may provide
14 valet parking service to customers, guests or other invitees without a valet
15 parking permit if the service is operated entirely on private property.
- 16 (C) A permit may be issued for a district service area, provided that all business
17 establishments or residences along the block face submit a joint application
18 and each comply with the requirements of this ordinance.

19 **PART 13.** City Code Section 13-5-32 (*Application for Valet Parking Permit*) is
20 amended to read:

21 **§ 13-5-32 APPLICATION FOR VALET PARKING PERMIT.**

- 22 (A) A person who provides on-street valet parking services to customers, guests,
23 or other invitees on public right-of-way shall apply in writing to the director
24 for a valet parking permit. The application must be made by the owner or
25 lessee of the premises benefiting from the proposed valet parking service,
26 and to [To] obtain an initial valet parking permit a person must:
- 27 (1) submit an application to the director on a form prescribed by the
28 director;
- 29 (2) pay the application fee prescribed by ordinance for the permit; and
30 (3) pay the annual fee prescribed by ordinance for parking spaces in the
31 designated area.
- 32 (B) To obtain a renewal of a valet parking permit a person must:

- (1) submit a complete ~~[an]~~ application; ~~[and]~~
- (2) pay the ~~[annual]~~ fee established by separate ordinance; and
- (3) for each new renewal after the effective date of this ordinance maintain a record of the number of vehicles parked at each service location and provide a valet service data report prior to issuance of any subsequent renewal.

(C) An application for a valet parking permit must include:

- (1) the name, address, and phone number of the applicant;
- (2) the name and location of the business to be served by a valet operator;
- (3) a copy of the on-street valet operating permit held by the person who will provide valet parking service for the applicant;
- (4) documentation showing that the applicant is covered by a policy of insurance as required by Section 13-5-4 (*Insurance*); and
- (5) if vehicles will be parked at a location other than the applicant's premises, a written statement from the owner or lessee of the property indicating that the property owner or lessee agrees to accept vehicles from the applicant's valet parking service.

PART 14. City Code Section 13-5-34 (*Indication of Designated Area*) is amended to read:

§ 13-5-34 INDICATION OF DESIGNATED AREA OR DISTRICT SERVICE AREA.

The department shall, at the license holder's cost:

- (1) provide to the valet license ~~[permit]~~ holder parking meter or pay station hoods that will indicate that the parking meter spaces in the designated area or district service area are reserved for valet parking only and that vehicles parked in the spaces for purposes other than valet parking may be towed;
- (2) install traffic control devices at the designated area or district service area indicating the location and extent of the designated area, and the hours the designated area or district service area is reserved for valet parking; ~~[and]~~
- (3) install traffic control devices on the pavement of the traffic lane immediately adjacent to the designated area or district service area to indicate the traffic lane is a restricted lane; and[-]

- 1 (4) require additional traffic control devices or measures that heighten public
2 awareness of the valet service area, as required by the director.

3 **PART 15.** City Code Section 13-5-36 (*Temporary Permit*) is amended to read:

4 **§ 13-5-36 TEMPORARY PERMIT.**

- 5 (A) The department may issue a temporary valet parking permit to a person to
6 operate a valet parking service for no more than four consecutive days [~~for a~~
7 ~~special event~~].
- 8 (B) To obtain a temporary valet parking permit a person must:
- 9 (1) submit an application to the department on a form prescribed by the
10 director no later than three business days before the commencement of
11 provision of valet services; and
- 12 (2) pay the fee prescribed by ordinance for a temporary valet parking
13 service permit[-]; and
- 14 (3) obtain written approval from the businesses or residences directly
15 adjacent to the public right-of-way proposed for valet service use.
- 16 (C) A temporary permit issued under this section is valid for the period indicated
17 on the permit, and shall not exceed four calendar days.
- 18 (D) The holder of a temporary permit may use three parking spaces as a
19 designated area. The director may allow the permit holder to use additional
20 spaces for the designated area if:
- 21 (1) the director determines that the use of the additional spaces will not
22 create a safety hazard; and
- 23 (2) the permit holder pays the fee prescribed by ordinance for each
24 additional space.

25 **PART 16.** City Code Chapter 13-5 (*Valet Parking Services*) is renamed to read:

26 ***ARTICLE 4. DENIAL OR REVOCATION OF PERMIT OR LICENSE.***

27 **PART 17.** City Code Section 13-5-41 (*Issuance or Denial of Permit*) is renamed and
28 amended to read:

29 **§ 13-5-41 ISSUANCE OR DENIAL OF PERMIT OR LICENSE.**

- 30 (A) The director shall grant or deny an application for a permit or license under
31 this chapter not later than the 10th day after the day the application is
32 received by the department.

(B) The director shall deny an application for a permit or license under this chapter if the applicant:

- (1) makes a false statement on the application; or
- (2) fails to meet the application requirements of this chapter.

(C) In addition to the requirements of Subsection (B), the director shall deny an application for a valet parking permit or license if the director [~~department~~] determines that the proposed valet parking service at the location may:

- (1) unreasonably interfere with normal traffic flow on a public street, alley, or other public property; or
- (2) create a hazard to public safety.

(D) If the director denies an application for a permit or license under this chapter, the department shall send notice of the denial to the applicant by certified mail, return receipt requested, to the applicant's mailing address listed on the application. A notice mailed under this subsection is considered received on the 10th day after mailing, unless an earlier date is indicated on the return receipt.

PART 18. City Code Section 13-5-42 (*Temporary Suspension or Modification of Permit*) is renamed and amended to read:

§ 13-5-42 TEMPORARY SUSPENSION OR MODIFICATION OF PERMIT OR LICENSE.

(A) The director may temporarily suspend or modify a permit or license issued under this chapter if:

- (1) a temporary street closure includes the designated area or district service area; [~~or~~]
- (2) the director determines that an emergency requires the suspension or modification; or[-]
- (3) if requested in writing by the permittee or licensee; however, an increase in the designated area or district service area shall require a new application and payment of required fees.

(B) If the director suspends or modifies a permit or a license, the director may allow the permit or license holder to temporarily conduct valet parking operations at an alternate location.

1 **PART 19.** City Code Section 13-5-43 (*Duration and Renewal of Permits*) is amended to
2 read:

3 **§ 13-5-43 DURATION AND RENEWAL OF PERMIT[S] OR LICENSE.**

4 (A) A permit or license issued under this chapter is valid for a period of one year
5 from its date of issuance, unless the permit or license is:

6 (1) a temporary permit issued under Section 13-5-36 (*Temporary Permit*);
7 or

8 (2) revoked or suspended.

9 (B) A permit or license issued under this chapter may be renewed by filing an
10 application pursuant to Section 13-5-22 (*Application for Valet Operating*
11 *License*) or 13-5-32 (*Application for Valet Parking Permit*) at least 30 days
12 prior to expiration of the permit or license. To obtain renewal of a permit or
13 license, a person must meet the application requirements in this chapter, and
14 the application shall be reviewed and approved as if it is a new application.

15 **PART 20.** City Code Section 13-5-44 (*Revocation or Modification of Permit*) is
16 renamed and amended to read:

17 **§ 13-5-44 REVOCATION OR MODIFICATION OF PERMIT OR LICENSE.**

18 (A) The director may revoke or modify a permit or license under this section
19 based on the following reasons:

20 (1) if the [permit] holder fails to comply or violates this chapter at a
21 service location on more than six separate days within a 12-month
22 period;[-]

23 (2) ~~[(B)] [The director may revoke a permit]~~ if the director determines
24 that the applicant made a false statement on the permit application;
25 or[-]

26 (3) the permit or license was issued through error; or

27 (4) if the holder fails to comply or violates the rules adopted by the
28 director; or

29 (5) there is an immediate threat to public health and safety.

30 ~~(B)[(C)]~~ If the director revokes or modifies a permit or license under this section, the
31 director shall send notice of the revocation or modification to the permit or
32 license holder by certified mail, return receipt requested, to the [permit]
33 holder's mailing address listed on the application, unless the revocation is

1 due to an immediate threat to public health and safety and the permit or
2 license shall be considered revoked immediately without prior notice to the
3 permittee or licensee. A notice mailed under this subsection is considered
4 received on the 10th day after mailing, unless an earlier date is indicated on
5 the return receipt.

6 **PART 21.** City Code Section 13-5-45 (*Appeal*) is amended to read:

7 **§ 13-5-45 APPEAL.**

- 8 (A) An applicant or a permit holder may appeal the denial of an application
9 under Section 13-5-41 (*Issuance or Denial of Permit or License*) or the
10 revocation or modification of a permit under Section 13-5-44 (*Revocation or*
11 *Modification of Permit or License*) to the director.
- 12 (B) The appeal must be submitted to the director in writing not later than the
13 10th day after receipt of notice of the adverse action.
- 14 (C) The director shall hold an informal hearing on the appeal not later than the
15 10th day after the appeal is received. At the hearing the formal rules of
16 evidence do not apply. The director shall decide the appeal on the basis of
17 the preponderance of the evidence presented.
- 18 (D) The director shall make a determination on the appeal not later than the 10th
19 day after the hearing. The director may affirm, reverse, or modify the
20 director's previous determination.
- 21 (E) The decision of the director on appeal may be appealed to the city manager,
22 under the same procedure described above. The decision of the city
23 manager is final.

24 **PART 22.** City Code Section 13-5-51 (*Fees*) is amended to read:

25 **§ 13-5-51 FEES.**

26 Fees shall be established by separate ordinance for:

- 27 (1) a valet parking permit application;
- 28 (2) a valet operating license application [~~permit~~];
- 29 (3) a temporary permit application; [~~and~~]
- 30 (4) parking spaces usage within the [~~included in a~~] designated area or district
31 service area.

32 **PART 23.** City Code Section 13-5-53 (*Offenses and Penalty*) is amended to read:

§ 13-5-53 PENALTY.

- (A) The city council has determined that this chapter is necessary to protect health, life, and property and to preserve good government, order, and security of the city and its inhabitants. [A person commits an offense if the person performs an act prohibited by this chapter or fails to perform an act required by this chapter.]
- (B) An owner, operator, or employee commits an offense if the person violates this chapter or fails to comply with a requirement of this chapter. [An offense under this section is a Class C misdemeanor, punishable by a fine not to exceed \$500.]
- (C) An offense under this chapter is a Class C misdemeanor, punishable in accordance with Section 1-1-99 (*Offenses; General Penalty*). [Each instance of a violation of this chapter is a separate offense.]
- (D) Proof of a culpable mental state is not required for a conviction of an offense under this chapter.
- (E) The provisions of this chapter are cumulative of other remedies.
- (F) Each day or portion of a day during which a violation occurs or continues constitutes a separate offense.
- (G) The City may seek to enjoin violations of this chapter, and may file suit for the recovery of all expenses incurred, including without limitation, administrative and legal expenses, attorneys' fees, and costs, and for civil penalties as provided by law.

PART 24. This ordinance takes effect on _____, 2012.

PASSED AND APPROVED

www

Lee Leffingwell
Mayor

APPROVED: _____
Karen M. Kennard
City Attorney

ATTEST: _____
Shirley A. Gentry
City Clerk

