

ORDINANCE NO. 19-___

AN ORDINANCE OF THE CITY OF GALVESTON, TEXAS AMENDING CHAPTER 34, "TRAFFIC" BY AMENDING ARTICLE XI, "VALET PARKING" TO CLARIFY AND PROVIDE MODIFICATIONS TO BETTER COMPLY WITH REGULATIONS RELATED TO VALET PARKING IN THE CITY OF GALVESTON; MAKING; MAKING VARIOUS FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on March 22, 2019, City Council adopted Ordinance No. 19-022, which amended Chapter 34, "Traffic" of the Code of the City of Galveston, pertaining to regulations for valet parking in the City of Galveston; and,

WHEREAS, Staff recommends clarifying certain terms and regulations in the language of the current valet ordinance in order to better comply with its regulations and to meet the true purpose of the valet ordinance; and,

WHEREAS, staff recommends modifications to Chapter 34, "Traffic", as provided in Section 2 below; and,

WHEREAS, the City Council deems it in the public's interest to amend Chapter 34 "Traffic" of "The Code of The City of Galveston 1982, as amended," "Valet Parking" regarding regulations for valet parking in the City of Galveston, as provided below.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GALVESTON, TEXAS:

SECTION 1. The findings and recitations set out in the preamble to this Ordinance are found to be true and correct and they are hereby adopted by the City Council and made a part hereof for all purposes.

SECTION 2. Chapter 34 "Traffic" of "The Code of The City of Galveston 1982, as amended," is amended to read and provide as follows:

ARTICLE XI. – VALET PARKING

DIVISION 1. GENERALLY.

§ 34-241. Applicability.

- (a) This Article shall only apply to the area ~~designated by the Land Development Regulations defined in Section 34-1~~ as the Central Business District.
- (b) All other areas outside of the Central Business District shall adhere to the City of Galveston's License to Use requirements.

(c) This Article shall not relieve any person from the duty to observe any other provisions of the City Code and/or state law.

§ 34-242. Definitions.

As used in this Article, the following terms shall have the meanings respectively ascribed to them in this section:

Designated Area: the curb line within a 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.

Department: the department designated by the City Manager.

Director: the department director designated by the City Manager.

~~*Metered parking:* Parking meter in service during established paid parking hours.~~

~~*On Street valet parking service:* a valet parking service in which the valet operator receives a vehicle from or returns a vehicle to a customer or patron within the service location.~~

~~*Parking Space:* an all-weather surfaced area within the street right-of-way permanently reserved for the temporary storage of one automobile. A parking space shall have the minimum dimension of nine feet in width by 19 feet in length.~~

Person: an individual, partnership or corporation seeking to provide valet parking services for its customers or patrons and move their motor vehicles from the service location to a remote parking area and return the vehicle to the original service location.

Service Location: the location of the business served by the valet parking service.

Valet Operator: a person or the person's employee, agent, contractor, or representative that provides valet parking services to a business.

Valet Parking Service: the service of receiving, parking, and returning vehicles for the customers, guests or invitees of a business.

§ 34 - 243. – Restrictions on on-street valet parking.

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

§ 34 - 244. – Insurance.

A valet operator or a **temporary** valet parking permit holder must maintain general liability insurance coverage as required by the Director continuously during the term of the permit **or license**. Insurance carriers must be authorized or eligible to do business in the state of Texas.

§ 34 - 245. – No Private Rights in Streets.

Nothing in this Article shall be construed to give any valet operator any property right in, or to, the use of any street or public right-of-way. All permits **and licenses** issued and held under this Article shall be subject to the superior right of the public to the safe and orderly movement of traffic.

§ 34 - 246. - Temporary Suspension.

All valet operations are subject to immediate suspension when a police officer or other authorized city enforcement official determines that the continued operation of the valet service constitutes an immediate threat to the public health, safety or welfare, including interfering with the safe operation of the streets for pedestrians and the normal flow of traffic.

Secs. 34-247—34-260. - Reserved

DIVISION 2. VALET OPERATION **LICENSE PERMIT.**

§ 34 - 261. - On-street valet operating **license permit required.**

- (a) A person may not operate a valet parking service on the public right of way without a valet operating **license permit** issued under this Article.
- (b) A person may operate a valet parking service conducted entirely on private property without a valet operating **license permit**.

§ 34-262. - Maximum number of parking spaces:

The holder of a valet operating **parking service permit** may use three parking spaces as a designated area. The Director may allow the permit holder to use additional spaces for the designated area if:

- (a) the Director determines that the use of the additional spaces will not create a safety hazard; and
- (b) the permit holder pays the fee for each additional space.

§ 34 - 263. – Application for a valet operating **license permit.**

- (a) A person who desires to operate a valet parking service on public right-of-way shall apply in writing to the Director for a valet operating **license permit**. To obtain or renew an on-street valet operating **license permit** a person must:
 - (1) submit a completed application to the Director on a form prescribed by the Director;
 - (2) pay the application fee for the **license permit**; and

- (3) ~~pay the fee for each location at which the applicant intends to provide valet parking services.~~
- (b) An application for a valet operating **license permit** must include the following:
- (1) the name, mailing address, **email** and phone number of the applicant;
 - (2) the name and location of each service location at which the applicant intends to provide **on-street** valet parking services;
 - (3) the hours of operation of the **on-street** valet parking service at each service location;
 - (4) documentation showing that the applicant has the required insurance policy;
 - (5) a verified statement from the valet operator 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) a verified certification that the applicant's employees who engage in valet parking vehicles will wear retro-reflective material outerwear while working during the nighttime
 - (7) a verified certification that loading or offloading of customers from vehicles will occur only in the designated area at each service location;
 - (8) the location of any signs or attendant stands to be used by the applicant at the service location and the designated area; **and**
 - (9) the location of off-street parking to be used in connection with the valet operation and a signed agreement or other documentation that indicates the applicant has a legal right to park vehicles at that location, the number of parking spaces allowed to be used and describing other terms and conditions applicable to the use of the off-street parking location; **and**,
 - (10) The telephone number to allow the department to contact the valet service operator 24 hours a day.

§ 34 - 264. – Issuance of valet operating **license permit.**

- (a) Unless denied pursuant to this Article, the Director shall issue a valet operating **license permit** for the service location.
- (b) The Director shall list on the valet operating **license permit** each service location at which the **license permit** holder may provide **on-street** valet parking services.

§ 34 - 265. – Duties and Responsibilities of a valet operating **license permit holder.**

- (a) A valet operating **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 permit for the service location.
- (b) A **license permit** holder shall not use public **metered paid** parking spaces other than what is stated in the **license permit** issued by the City. A **license permit** holder shall not park in spaces or on property for which it does not have an agreement or permission to park

vehicles, and shall immediately cease to accept vehicles once it meets its capacity limits described in the agreement submitted as part of their application.

- (c) 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 **his/her their** designee or other certified/recognized authority including; but not limited to, a Police Officer, Marshal, or Code Enforcement Officer.
- (d) A **license permit** holder may not allow a vehicle to remain parked in the service location for more than 15 minutes. A vehicle may not be parked in a service location unless traffic may move safely in the lanes adjacent to the designated area.
- (e) A **license permit** holder 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 this Article.
- (f) A **license permit** holder shall place the operator's booth or stand at the service location in a manner that will maintain an unobstructed pedestrian pathway on the sidewalk that is at least six feet wide.
- (g) A **license permit** holder shall provide retro-reflective material on employee's outerwear to an employee who enters the street while on duty during nighttime hours. An employee shall be required to wear the retro-reflective outerwear while on nighttime duty.
- (h) A **license permit** holder is responsible for the security of keys left by a customer with the operator, and shall keep the keys in a secure place.
- (i) A **license permit** holder shall place a valet parking tag inside each customer's vehicle that includes the following information, which must be clearly legible from the outside of the vehicle:
 - (1) the name of the **license permit** holder; and
 - (2) a telephone number that will allow the customer to obtain information about the valet parking operation 24 hours a day.
- (j) Each of the **license permit** holder's employees shall operate vehicles in compliance with all applicable federal, state, and local laws, in a manner that assures the safety of persons and property and shall possess a valid class A, B, or C, Texas driver's license.

§ 34 - 266. – Restriction on handling vehicles.

- (a) A **license permit** holder may not:
 - (1) double park a vehicle;
 - (2) park a customer's vehicle on a public street except in the designated area;
 - (3) leave a vehicle unattended in the street except in the designated area;
 - (4) receive or return a customer's vehicle at a location other than the service location;

- (5) park a vehicle on private property unless written authorization has been obtained from the owner or lessee of the property; or
 - (6) violate a law relating to the stopping, standing, or parking of motor vehicles.
- (b) A **license permit** holder shall have custody of the keys to a vehicle while the vehicle is unattended in the designated area.
- (c) A **license permit** holder may allow attended vehicles of the operator's customers to temporarily queue in the traffic lane adjacent to the designated area if the queuing does not:
- (1) cause traffic behind the queue to obstruct an intersection;
 - (2) block public access to a business or residence; or
 - (3) create a safety hazard.

§ 34 - 267. – Parking Citations.

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 valet operator.

~~§ 34 - 268. – Designated area.~~

~~The Department shall, at the license holder's cost:~~

- ~~(a) provide to the valet license holder signs that will indicate that the spaces in the designated area are reserved for valet parking only and that vehicles parked in the spaces for purposes other than valet parking may be towed;~~
- ~~(b) install traffic control devices at the designated area indicating the location and extent of the designated area, and the hours the designated area is reserved for valet parking; and~~
- ~~(c) require additional traffic control devices or measures that heighten public awareness of the valet service area, as required by the Director.~~

~~§ 34 - 269. – Transfer of valet parking license.~~

- ~~(a) A valet parking license may be transferred to a subsequent owner or operator of the business at the service location.~~
- ~~(b) To transfer a valet parking license, the subsequent owner or operator of the business must file an application as provided in this Article.~~

DIVISION 3. – VALET LOCATION PERMIT

§ 34-268. – Valet Parking Location Permit Required.

- (a) A person operating a business establishment may not provide on- street valet parking service to customers, guests or other invitees unless the person has a valet **location parking** permit issued under this Article.
- (b) A person operating a business establishment or at a residence may provide valet parking service to customers, guests or other invitees without a valet **location parking** permit if the service is operated entirely on private property.

- (c) Public paid parking spaces may not be used for valet parking services other than as stated on the permit issued by the City. ~~Parking shall not be permitted in spaces or on property for which the permit holder does not have an agreement or permission to park vehicles, and the permit holder or its contractor shall immediately cease to accept vehicles once it meets its capacity limits described in the agreement submitted as part of their application for use of off-street parking.~~

§ 34-69 Valet Parking Location Permit Application.

- (a) A person who provides on-street valet parking services to customers, guests, or other invitees on public right-of-way shall apply in writing to the director for a valet location parking permit. The application must be made by the owner or lessee of the premises benefiting from the proposed valet parking service. To obtain or renew a valet location parking permit a person must:
- (1) submit a completed application to the Director on a form prescribed by the Director;
 - (2) pay the application fee for the permit; and
 - (3) pay the annual fee for parking spaces in the designated area, including the paid parking fee, if applicable.
- (b) An application for a valet parking permit must include the following:
- (1) the name, address, email, 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 license permit held by the person who will provide valet parking service for the applicant;
 - (4) documentation showing that the applicant has the required insurance policy; and
 - (5) A site plan indicating the locations of the on-street parking spaces proposed to be used for the valet parking service.
~~the location of off-street parking to be used in connection with the valet operation and a signed agreement or other documentation that indicates the applicant has a legal right to park vehicles at that location, the number of parking spaces allowed to be used and describing other terms and conditions applicable to the use of the off-street parking location.~~

Sec. 34-270. - Designated area.

The department shall, at the location permit holder's cost:

- (1) Provide to the valet location permit holder signs that will indicate that the spaces in the designated 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 indicating the location and extent of the designated area, and the hours the designated area is reserved for valet parking;
- (3) Require additional traffic control devices or measures that heighten public awareness of the valet service area, as required by the director; and

- (4) The cost shall include an estimated cost to return the designated area to public parking use upon the cessation of the valet parking service.

Sec. 34-271. - Transfer of valet location permit.

- (a) A valet location permit may be transferred to a subsequent owner or operator of the business at the service location.

- (b) To transfer a valet location permit, the subsequent owner or operator of the business must file an application as provided in this article.

DIVISION 4, TEMPORARY PERMIT

§ 34 - 272. – Temporary Permit.

- (a) The department may issue a temporary valet parking location permit to a person to operate a valet parking service for no more than four consecutive days.
- (b) To obtain a temporary valet parking permit a person must:
- (1) submit an application to the department on a form prescribed by the Director no later than five business days before the commencement of the valet parking services; and
 - (2) pay the fee for a temporary valet parking service permit and all other applicable fees, including paid parking spaces; and
 - (3) obtain written approval from the businesses or residences directly adjacent to the public right-of-way proposed for valet service use;
 - (4) A copy of the on-street valet operating license permit held by the person who will provide valet parking service for the applicant;
 - (5) A site plan indicating the locations of the on-street parking spaces proposed to be used for the valet parking service; and,
 - (6) The location of off-street parking to be used in connection with the valet operation and a signed agreement or other documentation that indicates the applicant has a legal right to park vehicles at that location, the number of parking spaces allowed to be used and describing other terms and conditions applicable to the use of the off-street parking location.
- (c) A temporary permit issued under this section is valid for the period indicated on the permit, and shall not exceed four consecutive calendar days.
- (d) The holder of a temporary permit may use three parking spaces as a designated area. The Director may allow the permit holder to use additional spaces for the designated area if:
- (1) the Director determines that the use of the additional spaces will not create a safety hazard; and
 - (2) the permit holder pays the fee for each additional space.

DIVISION 35. DENIAL OR REVOCATION OF PERMIT LICENSE.

§ 34 – 291. – Issuance or denial of permit or license.

- (a) The Director shall grant or deny an application for a permit or license under this Article not later than the 10th day after the day the application is received by the department.

- (1) The Director shall grant or deny an application for a temporary permit under this Article not later than the 3rd day after the day the application is received by the department.
- (b) The Director shall deny an application for a permit ~~or license~~ under this Article if the applicant:
 - (1) makes a false statement on the application; or
 - (2) fails to meet the application requirements of this Article.
- (c) The Director shall deny an application for a valet parking permit ~~or license~~ if the Director 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 Article, the department shall send notice of the denial to the applicant by certified mail, to the applicant's mailing address listed on the application. A notice mailed under this section is considered received on the 10th day after mailing.

§ 34- 292. – Temporary suspension or modification of permit ~~or license~~.

- (a) The Director may temporarily suspend or modify a permit ~~or license~~ issued under this Article if:
 - (1) a temporary street closure includes the designated area;
 - (2) the Director determines that an emergency requires the suspension or modification; or
 - (3) if requested in writing by the permittee ~~or licensee~~; A request for an increase in the designated 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.

§ 34 - 293. – Duration and renewal of permit ~~or license~~.

- (a) A permit ~~or license~~ issued under this Article is valid for a period of one year from its date of issuance, unless the permit ~~or license~~ is:
 - (1) a temporary permit; or
 - (2) revoked or suspended.
- (b) A permit ~~or license~~ issued under this Article may be renewed by filing an application at least 30 days prior to expiration of the permit ~~or license~~. To obtain renewal of a permit ~~or license~~, a person must meet the application requirements in this Article, and the application shall be reviewed and approved as if it is a new application.

§ 34 - 294. – Revocation or modification of permit or license.

- (a) The Director may revoke or modify a permit or license under this section based on the following reasons:
 - (1) if the holder fails to comply or violates this Article at a service location on more than six separate days within a 12-month period;
 - (2) if the Director determines that the applicant made a false statement on the permit application; or
 - (3) the permit or license was issued through error; or
 - (4) if the holder fails to comply or violates the rules adopted by the Director; or
 - (5) there is an immediate threat to public health and safety.
- (b) If the Director revokes or modifies a permit or license under this Article, the Director shall send notice of the revocation or modification to the permit or license holder by certified mail, to the holder's mailing address listed on the application. If the revocation is due to an immediate threat to public health and safety, the permit or license shall be considered revoked immediately without prior notice to the permittee or licensee. A notice mailed under this section is considered received on the 10th day after mailing.

(c) Upon revocation of a Valet Location Permit, the designated area shall be returned to public parking use and all signage and traffic control devices related to the valet parking shall be removed.

§ 34 - 295. – Appeal.

- (a) An applicant or a license or permit holder may appeal the denial of an application or the revocation or modification of a permit by the director's designee to the Director.
- (b) The appeal must be submitted to the Director in writing not later than the 10th day after receipt of notice of the adverse action.
- (c) The Director shall hold an informal hearing on the appeal not later than the 10th day after the appeal is received. At the hearing the formal rules of evidence do not apply. The Director shall decide the appeal on the basis of the preponderance of the evidence presented.
- (d) The Director shall make a determination on the appeal not later than the 10th day after the hearing. The Director may affirm, reverse, or modify the Director's previous determination.
- (e) The decision of the Director on appeal may be appealed to the City Manager, under the same procedure described above. The decision of the City Manager is final.

DIVISION 46. FEES AND ENFORCEMENT.

§ 34 – 311. Fees.

Fees shall be established as follows:

Annual Permit base fees:

- (1) a valet parking permit application - \$250.00;
- (2) a valet operating **license permit** application - \$500.00;
- (3) within the designated area: paid and non-paid parking space usage - \$250.00 per space;
- (4) paid parking space: paid parking fee applicable during the requested hours of operation for each location in addition to the base fee(s).

SECTION 3. It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this Ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance.

SECTION 4. All Ordinances or parts thereof in conflict herewith are repealed to the extent of such conflict only.

SECTION 5. In accordance with the provisions of Sections 12 and 13 of Article II of the City Charter this Ordinance has been publicly available in the office of the City Secretary for not less than 72 hours prior to its adoption; that this Ordinance may be read and published by descriptive caption only.

SECTION 6. This Ordinance shall be and become effective on and after its adoption and publication in accordance with the provisions of the Charter of the City of Galveston.

APPROVED AS TO FORM:

DONNA M. FAIRWEATHER
ASSISTANT CITY ATTORNEY

I, Janelle Williams, Secretary of the City Council of the City of Galveston, do hereby certify that the foregoing is a true and correct copy of an Ordinance adopted by the City Council of the City of Galveston at its regular meeting held on **September 12, 2019**, as the same appears in records of this office.

IN TESTIMONY WHEREOF, I subscribe my name hereto officially under the corporate seal of the City of Galveston this _____ day of _____, 2019.

Secretary for the City Council
Of the City of Galveston



City of Galveston

DEVELOPMENT SERVICES DEPARTMENT

823 Rosenberg | Galveston, TX 77550
409-797-3660 planningcounter@galvestonTX.gov

Date: September 10, 2019

To: Brian Maxwell, City Manager
Hon. Mayor and City Council Members

From: Catherine Gorman, AICP, Assistant Director/Historic Preservation Officer, Development Services Department and Donna Fairweather, Assistant City Attorney, City Attorney's Office

RE: **19PA-039** Request to Amend Chapter 34 – Traffic, Article XI – Valet Parking, of the Code of Ordinances of the City of Galveston to provide refinements and clarifications. Applicant: City of Galveston

I. Background

- A. On March 28, 2019, the City Council adopted new regulations regarding valet parking operations in the downtown area.
- B. The Development Services Department was designated as the Department to administer the regulations.
- C. In developing the required application forms, staff identified that some refinements and clarifications were needed.

II. Current Situation

- A. In conjunction with the City Attorney's Office, staff is proposing some modifications to the code for valet parking.

III. Issues

- A. The following is a summary of the proposed modifications:
 1. Clarify that the definition of the Central Business District is in Municode and not the Land Development Regulations;





City of Galveston

DEVELOPMENT SERVICES DEPARTMENT

823 Rosenberg | Galveston, TX 77550

409-797-3660 planningcounter@galvestonTX.gov

2. Delete the definition for “Metered Parking” as the City does not have a metered parking system. Delete repeated definitions. Add a definition of “Parking Space”;
3. Change terminology from “Valet Operation License” to “Valet Operation Permit” to more accurately describe what is issued by the City;
4. Clarify that the location fee is paid by the Valet Location Permit holder rather than the Valet Operation Permit holder;
5. Restructure so that each permit type is included in a separate Division;
6. Change terminology from “Valet Parking Permit” to “Valet Location Permit” to eliminate confusion between the permit types;
7. Restructure so that the responsibilities of each permit type are clear:
 - i. Valet Operation Permit – the entity responsible for the physical movement of the cars, must abide by certain safety standards, and provide an off-site location for the parking of the cars;
 - ii. Valet Location Permit – the entity responsible for the pick-up and drop-off site; pays the fee for the use of the parking spaces and the paid parking, if applicable; and pays for any signage and traffic control devices at the pick-up/drop-off site.
8. Include in the fees, the cost of returning the pick-up/drop-off site to public parking when no longer in use;
9. Clarify that a Temporary Permit holder must:
 - i. Pay the paid parking fee, if applicable;
 - ii. Provide a valid Valet Operating Permit; and
 - iii. Provide an off-site location for the parking of the cars;
10. Clarify that, upon revocation the pick-up/drop-off area returns to public parking use; and





City of Galveston

DEVELOPMENT SERVICES DEPARTMENT

823 Rosenberg | Galveston, TX 77550

409-797-3660 planningcounter@galvestonTX.gov

11. Clarify that the applicant can appeal the director's designee's decision to the director.

IV. Alternatives in Order of Priority

- A. Approval of proposed changes to the Municipal Code.
- B. Do not approve the changes.

V. Recommendation

Approval of proposed changes to the Municipal Code

VI. Fiscal Impact Report

Requested by:

Catherine Gorman, AICP
Assistant Director/Historic Preservation Officer
Development Services Department, and
Donna Fairweather, Assistant City Attorney
City Attorney's Office

Funding Source:

n/a

Costs of Implementation:

minimal staff time

VII. Attachments

- A. Proposed code changes



ARTICLE XI. - VALET PARKING⁶¹

Footnotes:

--- (6) ---

Editor's note— Ord. No. [19-022](#), § 2, adopted March 28, 2019, enacted new provisions designated as art. X, §§ 34-209—34-234; inasmuch as said numbering already exists, said provisions have been renumbered as art. XI, §§ 34-241—34-246, 34-261—34-272, 34-291—34-295, 34-311—34-313, at the discretion of the editor.

DIVISION 1. - GENERALLY

Sec. 34-241. - Applicability.

- (a) This article shall only apply to the area ~~designated by the land development regulations defined in Section 34-1~~ as the central business district.
- (b) All other areas outside of the central business district shall adhere to the city's license to use requirements.
- (c) This article shall not relieve any person from the duty to observe any other provisions of the City Code and/or state law.

(Ord. No. [19-022](#), § 2, 3-28-19)

Sec. 34-242. - Definitions.

As used in this article, the following terms shall have the meanings respectively ascribed to them in this section:

Designated area means the curb line within a 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.

Department means the department designated by the city manager.

Director means the department director designated by the city manager.

~~*Motored parking* means parking motor in service during established paid parking hours.~~

~~*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 or patron within the service location.~~

Parking Space means an all-weather surfaced area within the street right-of-way permanently reserved for the temporary storage of one automobile. A parking space shall have the minimum dimension of nine feet in width by 19 feet in length.

Person means an individual, partnership or corporation seeking to provide valet parking services for its customers or patrons and move their motor vehicles from the service location to a remote parking area and return the vehicle to the original service location.

Service location means the location of the business served by the valet parking service.

Valet operator means a person or the person's employee, agent, contractor, or representative that provides valet parking services to a business.

Valet parking service means the service of receiving, parking, and returning vehicles for the customers, guests or invitees of a business.

(Ord. No. [19-022](#), § 2, 3-28-19)

Sec. 34-243. - Restrictions on on-street valet parking.

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

(Ord. No. [19-022](#), § 2, 3-28-19)

Sec. 34-244. - Insurance.

A valet operator or a ~~temporary~~ valet parking permit holder must maintain general liability insurance coverage as required by the director continuously during the term of the permit ~~or license~~. Insurance carriers must be authorized or eligible to do business in the state of Texas.

(Ord. No. [19-022](#), § 2, 3-28-19)

Sec. 34-245. - No private rights in streets.

Nothing in this article shall be construed to give any valet operator any property right in, or to, the use of any street or public right-of-way. All permits ~~and licenses~~ issued and held under this article shall be subject to the superior right of the public to the safe and orderly movement of traffic.

(Ord. No. [19-022](#), § 2, 3-28-19)

Sec. 34-246. - Temporary suspension.

All valet operations are subject to immediate suspension when a police officer or other authorized city enforcement official determines that the continued operation of the valet service constitutes an immediate threat to the public health, safety or welfare, including interfering with the safe operation of the streets for pedestrians and the normal flow of traffic.

(Ord. No. [19-022](#), § 2, 3-28-19)

Secs. 34-247—34-260. - Reserved.

DIVISION 2. - VALET OPERATION ~~LICENSE~~ PERMIT

Sec. 34-261. - On-street valet operating ~~license~~ permit required.

- (a) A person may not operate a valet parking service on the public right of way without a valet operating ~~license~~ permit issued under this article.
- (b) A person may operate a valet parking service conducted entirely on private property without a valet operating ~~license~~ permit.

(Ord. No. [19-022](#), § 2, 3-28-19)

Sec. 34-262. - Maximum number of parking spaces.

The holder of a valet operating ~~parking service~~ permit may use three (3) parking spaces as a designated area. The director may allow the permit holder to use additional spaces for the designated area if:

- (1) The director determines that the use of the additional spaces will not create a safety hazard; and
- (2) The permit holder pays the fee for each additional space.

(Ord. No. [19-022](#), § 2, 3-28-19)

Sec. 34-263. - Application for a valet operating ~~license~~ permit.

- (a) A person who desires to operate a valet parking service on public right-of-way shall apply in writing to the director for a valet operating ~~license~~ permit. To obtain or renew an on-street valet operating ~~license~~ permit a person must:
 - (1) Submit a completed application to the director on a form prescribed by the director; ~~and~~
 - (2) Pay the application fee for the ~~license~~ permit; ~~and,~~
 - ~~(3) Pay the fee for each location at which the applicant intends to provide valet parking services.~~
- (b) An application for a valet operating ~~license~~ permit must include the following:
 - (1) The name, mailing address, ~~email,~~ and phone number of the applicant;
 - (2) The name and location of each service location at which the applicant intends to provide ~~on-street~~ valet parking services;
 - (3) The hours of operation of the ~~on-street~~ valet parking service at each service location;
 - (4) Documentation showing that the applicant has the required insurance policy;
 - (5) A verified statement from the valet operator 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) A verified certification that the applicant's employees who engage in valet parking vehicles will wear retro-reflective material outerwear while working during the nighttime
 - (7) A verified certification that loading or offloading of customers from vehicles will occur only in the designated area at each service location;
 - (8) The location of any signs or attendant stands to be used by the applicant at the service location and the designated area; ~~and~~
 - (9) The location of off-street parking to be used in connection with the valet operation and a signed agreement or other documentation that indicates the applicant has a legal right to park vehicles at that location, the number of parking spaces allowed to be used and describing other terms and conditions applicable to the use of the off-street parking location-; ~~and~~
 - (10) The telephone number to allow the department to contact the valet service operator twenty-four (24) hours a day.

(Ord. No. [19-022](#), § 2, 3-28-19)

Sec. 34-264. - Issuance of valet operating ~~license~~ permit.

- (a) Unless denied pursuant to this article, the director shall issue a valet operating ~~license~~ permit for the service location.

- (b) The director shall list on the valet operating ~~license-permit~~ each service location at which the ~~license permit~~ holder may provide ~~on-street~~-valet parking services.

(Ord. No. [19-022](#), § 2, 3-28-19)

Sec. 34-265. - Duties and responsibilities of a valet operating ~~license-permit~~ holder.

- (a) A valet operating ~~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 permit for the service location.
- (b) A ~~license-permit~~ holder shall not use public ~~metered-paid~~ parking spaces other than what is stated in the ~~license-permit~~ issued by the city. A ~~license-permit~~ holder shall not park in spaces or on property for which it does not have an agreement or permission to park vehicles, and shall immediately cease to accept vehicles once it meets its capacity limits described in the agreement submitted as part of their application.
- (c) 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 his/her designee or other certified/recognized authority including; but not limited to, a police officer, marshal, or code enforcement officer.
- (d) A ~~license-permit~~ holder may not allow a vehicle to remain parked in the service location for more than fifteen (15) minutes. A vehicle may not be parked in a service location unless traffic may move safely in the lanes adjacent to the designated area.
- (e) A ~~license-permit~~ holder 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 this article.
- (f) A ~~license-permit~~ holder shall place the operator's booth or stand at the service location in a manner that will maintain an unobstructed pedestrian pathway on the sidewalk that is at least six (6) feet wide.
- (g) A ~~license-permit~~ holder shall provide retro-reflective material on employee's outerwear to an employee who enters the street while on duty during nighttime hours. An employee shall be required to wear the retro-reflective outerwear while on nighttime duty.
- (h) A ~~license-permit~~ holder is responsible for the security of keys left by a customer with the operator, and shall keep the keys in a secure place.
- (i) A ~~license-permit~~ holder shall place a valet parking tag inside each customer's vehicle that includes the following information, which must be clearly legible from the outside of the vehicle:
 - (1) The name of the ~~license-permit~~ holder; and
 - (2) A telephone number that will allow the customer to obtain information about the valet parking operation twenty-four (24) hours a day.
- (j) Each of the ~~license-permit~~ holder's employees shall operate vehicles in compliance with all applicable federal, state, and local laws, in a manner that assures the safety of persons and property and shall possess a valid class A, B, or C, Texas driver's license.

(Ord. No. [19-022](#), § 2, 3-28-19)

Sec. 34-266. - Restriction on handling vehicles.

- (a) A ~~license-permit~~ holder may not:

- (1) Double park a vehicle;
 - (2) Park a customer's vehicle on a public street except in the designated area;
 - (3) Leave a vehicle unattended in the street except in the designated area;
 - (4) Receive or return a customer's vehicle at a location other than the service location;
 - (5) Park a vehicle on private property unless written authorization has been obtained from the owner or lessee of the property; or
 - (6) Violate a law relating to the stopping, standing, or parking of motor vehicles.
- (b) A license-permit holder shall have custody of the keys to a vehicle while the vehicle is unattended in the designated area.
- (c) A license-permit holder may allow attended vehicles of the operator's customers to temporarily queue in the traffic lane adjacent to the designated area if the queuing does not:
- (1) Cause traffic behind the queue to obstruct an intersection;
 - (2) Block public access to a business or residence; or
 - (3) Create a safety hazard.

(Ord. No. [19-022](#), § 2, 3-28-19)

Sec. 34-267. - Parking citations.

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 valet operator.

(Ord. No. [19-022](#), § 2, 3-28-19)

~~Sec. 34-268. - Designated area.~~

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

- ~~(1) Provide to the valet license holder signs that will indicate that the spaces in the designated 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 indicating the location and extent of the designated area, and the hours the designated area is reserved for valet parking; and~~
- ~~(3) Require additional traffic control devices or measures that heighten public awareness of the valet service area, as required by the director.~~

~~(Ord. No. [19-022](#), § 2, 3-28-19)~~

~~Sec. 34-269. - Transfer of valet parking license.~~

- ~~(a) A valet parking license may be transferred to a subsequent owner or operator of the business at the service location.~~
- ~~(b) To transfer a valet parking license, the subsequent owner or operator of the business must file an application as provided in this article.~~

(Ord. No. [19-022](#), § 2, 3-28-19)

DIVISION 3 – VALET LOCATION PERMIT

Sec. 34-~~270~~268. - Valet ~~parking~~location permit required.

- (a) A person operating a business establishment may not provide on- street valet parking service to customers, guests or other invitees unless the person has a valet locationparking permit issued under this article.
- (b) A person operating a business establishment or at a residence may provide valet parking service to customers, guests or other invitees without a valet locationparking permit if the service is operated entirely on private property.
- (c) Public paid parking spaces may not be used for valet parking services other than as stated on the permit issued by the city. ~~Parking shall not be permitted in spaces or on property for which the permit holder does not have an agreement or permission to park vehicles, and the permit holder or its contractor shall immediately cease to accept vehicles once it meets its capacity limits described in the agreement submitted as part of their application for use of off-street parking.~~

(Ord. No. 19-022, § 2, 3-28-19)

Sec. 34-~~274~~269. - Valet ~~parking~~location permit application.

- (a) A person who provides on-street valet parking services to customers, guests, or other invitees on public right-of-way shall apply in writing to the director for a valet locationparking permit. The application must be made by the owner or lessee of the premises benefiting from the proposed valet parking service. To obtain or renew a valet locationparking permit a person must:
 - (1) Submit a completed application to the director on a form prescribed by the director;
 - (2) Pay the application fee for the permit; and
 - (3) Pay the annual fee for parking spaces in the designated area, including the paid parking fee, if applicable.
- (b) An application for a valet parking permit must include the following:
 - (1) The name, address, email, 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 ~~license permit~~ held by the person who will provide valet parking service for the applicant;
 - (4) Documentation showing that the applicant has the required insurance policy; and
 - (5) A site plan indicating the locations of the on-street parking spaces proposed to be used for the valet parking service.
 - ~~(5) The location of off-street parking to be used in connection with the valet operation and a signed agreement or other documentation that indicates the applicant has a legal right to park vehicles at that location, the number of parking spaces allowed to be used and describing other terms and conditions applicable to the use of the off-street parking location.~~

Sec. 34-270. - Designated area.

The department shall, at the location permit holder's cost:

- (1) Provide to the valet location permit holder signs that will indicate that the spaces in the designated 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 indicating the location and extent of the designated area, and the hours the designated area is reserved for valet parking;
- (3) Require additional traffic control devices or measures that heighten public awareness of the valet service area, as required by the director; and
- (4) The cost shall include an estimated cost to return the designated area to public parking use upon the cessation of the valet parking service.

(Ord. No. [19-022](#), § 2, 3-28-19)

Sec. 34-271. - Transfer of valet location permit.

- (a) A valet location permit may be transferred to a subsequent owner or operator of the business at the service location.
- (b) To transfer a valet location permit, the subsequent owner or operator of the business must file an application as provided in this article.

(Ord. No. [19-022](#), § 2, 3-28-19)

DIVISION 4: TEMPORARY PERMIT

Sec. 34-272. - Temporary permit.

- (a) The department may issue a temporary valet ~~parking location~~ permit to a person to operate a valet parking service for no more than four (4) consecutive days.
- (b) To obtain a temporary valet parking permit a person must:
 - (1) Submit an application to the department on a form prescribed by the director no later than five (5) business days before the commencement of the valet parking services; and
 - (2) Pay the fee for a temporary valet parking service permit and all other applicable fees, including paid parking spaces; ~~and~~
 - (3) Obtain written approval from the businesses or residences directly adjacent to the public right-of-way proposed for valet service use ~~;~~;
 - (4) A copy of the on-street valet operating license permit held by the person who will provide valet parking service for the applicant;
 - (5) A site plan indicating the locations of the on-street parking spaces proposed to be used for the valet parking service; and
 - (5) The location of off-street parking to be used in connection with the valet operation and a signed agreement or other documentation that indicates the applicant has a legal right to park vehicles at that location, the number of parking spaces allowed to be used and describing other terms and conditions applicable to the use of the off-street parking location.
- (c) A temporary permit issued under this section is valid for the period indicated on the permit, and shall not exceed four (4) consecutive calendar days.

- (d) The holder of a temporary permit may use three (3) parking spaces as a designated area. The director may allow the permit holder to use additional spaces for the designated area if:
 - (1) The director determines that the use of the additional spaces will not create a safety hazard; and
 - (2) The permit holder pays the fee for each additional space.

(Ord. No. [19-022](#), § 2, 3-28-19)

Secs. 34-273—34-290. - Reserved.

DIVISION ~~35~~. - DENIAL OR REVOCATION OF ~~LICENSE PERMIT~~

Sec. 34-291. - Issuance or denial of permit or license.

- (a) The director shall grant or deny an application for a permit or ~~license permit~~ under this article not later than the tenth day after the day the application is received by the department.
 - (1) The Director shall grant or deny an application for a temporary permit under this Article not later than the 3rd day after the day the application is received by the department.
- (b) The director shall deny an application for a permit ~~or license~~ under this article if the applicant:
 - (1) Makes a false statement on the application; or
 - (2) Fails to meet the application requirements of this article.
- (c) The director shall deny an application for a valet parking permit ~~or license~~ if the director 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 article, the department shall send notice of the denial to the applicant by certified mail, to the applicant's mailing address listed on the application. A notice mailed under this section is considered received on the tenth day after mailing.

(Ord. No. [19-022](#), § 2, 3-28-19)

Sec. 34-292. - Temporary suspension or modification of permit or license.

- (a) The director may temporarily suspend or modify a permit ~~or license~~ issued under this article if:
 - (1) A temporary street closure includes the designated area;
 - (2) The director determines that an emergency requires the suspension or modification; or
 - (3) If requested in writing by the permittee ~~or licensee~~; a request for an increase in the designated 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.

(Ord. No. [19-022](#), § 2, 3-28-19)

Sec. 34-293. - Duration and renewal of permit ~~or license~~.

- (a) A permit ~~or license~~ issued under this article is valid for a period of one (1) year from its date of issuance, unless the permit or license is:
 - (1) A temporary permit; or
 - (2) Revoked or suspended.
- (b) A permit or license issued under this article may be renewed by filing an application at least thirty (30) days prior to expiration of the permit or license. To obtain renewal of a permit or license, a person must meet the application requirements in this article, and the application shall be reviewed and approved as if it is a new application.

(Ord. No. [19-022](#), § 2, 3-28-19)

Sec. 34-294. - Revocation or modification of permit ~~or license~~.

- (a) The director may revoke or modify a permit ~~or license~~ under this section based on the following reasons:
 - (1) If the holder fails to comply or violates this article at a service location on more than six (6) separate days within a twelve-month period;
 - (2) If the director determines that the applicant made a false statement on the permit application; or
 - (3) The permit ~~or license~~ was issued through error; or
 - (4) If the holder fails to comply or violates the rules adopted by the director; or
 - (5) There is an immediate threat to public health and safety.
- (b) If the director revokes or modifies a permit ~~or license~~ under this article, the director shall send notice of the revocation or modification to the permit ~~or license~~ holder by certified mail, to the holder's mailing address listed on the application. If the revocation is due to an immediate threat to public health and safety, the permit ~~or license~~ shall be considered revoked immediately without prior notice to the permittee ~~or licensee~~. A notice mailed under this section is considered received on the tenth day after mailing. Upon revocation of a Valet Location Permit, the designated area shall be returned to public parking use and all signage and traffic control devices related to the valet parking shall be removed.

(Ord. No. [19-022](#), § 2, 3-28-19)

Sec. 34-295. - Appeal.

- (a) An applicant or a ~~license or~~ permit holder may appeal the denial of an application or the revocation or modification of a permit by the director's designee to the director.
- (b) The appeal must be submitted to the director in writing not later than the tenth day after receipt of notice of the adverse action.
- (c) The director shall hold an informal hearing on the appeal not later than the tenth day after the appeal is received. At the hearing the formal rules of evidence do not apply. The director shall decide the appeal on the basis of the preponderance of the evidence presented.
- (d) The director shall make a determination on the appeal not later than the tenth day after the hearing. The director may affirm, reverse, or modify the director's previous determination.
- (e) The decision of the director on appeal may be appealed to the city manager, under the same procedure described above. The decision of the city manager is final.

(Ord. No. [19-022](#), § 2, 3-28-19)

Secs. 34-296—34-310. - Reserved.

DIVISION [46](#). - FEES AND ENFORCEMENT

Sec. 34-311. - Fees.

Fees shall be established as follows:

Annual permit base fees:

- (1) A valet parking permit application \$250.00
- (2) A valet operating ~~license-permit~~ application \$500.00
- (3) Within the designated area: paid and non-paid parking space usage \$250.00 per space
- (4) Paid parking space: paid parking fee applicable during the requested hours of operation for each location in addition to the base fee(s).

Temporary permit base fees:

- (1) A temporary permit application—\$125.00 up to and including three (3) parking spaces. Each additional approved parking space will be charged \$50.00;
- (2) Paid parking space: paid parking fee applicable during the requested hours of operation for each location, in addition to the base fee(s).

(Ord. No. [19-022](#), § 2, 3-28-19)

Sec. 34-312. - Enforcement.

The director, or any enforcement agency of the city, shall enforce this article and rules adopted under this article.

(Ord. No. [19-022](#), § 2, 3-28-19)

Sec. 34-313. - Penalty.

- (a) The city council has determined that this article is necessary to protect health, life, and property and to preserve good government, order, and security of the city and its inhabitants.
- (b) An owner, operator, or employee commits an offense if the person violates this article or fails to comply with a requirement of this article.
- (c) An offense under this article is a class C misdemeanor, punishable by a fine not to exceed five hundred dollars (\$500.00) per offense. Each day shall constitute a separate offense.
- (d) Proof of a culpable mental state is not required for a conviction of an offense under this article.
- (e) The provisions of this article 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 article, 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.

(Ord. No. [19-022](#), § 2, 3-28-19)