

BY: KWANZA HALL

AN ORDINANCE TO AMEND SECTION 150-113 AND TO ADD NEW SECTIONS 150-120 THROUGH 150-128 OF THE CODE OF ORDINANCES OF THE CITY OF ATLANTA SO AS TO ESTABLISH PROCEDURES FOR THE PERMITTING AND REGULATION OF VALET PARKING SERVICES, TO AUTHORIZE THE CHARGING OF FEES IN CONNECTION WITH THE REGULATION AND PERMITTING OF VALET PARKING SERVICES, TO ESTABLISH PENALTIES FOR THE VIOLATION OF THE PROCEDURES AND REQUIREMENTS FOR VALET PARKING SERVICES, AND FOR OTHER PURPOSES.

WHEREAS, by Ordinance 97-0-0374 adopted by the Atlanta City Council on May 5, 1997 and approved per Section 2-402 of the Atlanta City Charter on May 14, 1997, curbside valet parking pick-up/drop-off zones are permitted; and, WHEREAS, said ordinance authorized the Department of Public Works Office of Traffic and Transportation to establish procedures and requirements for permitting said zones; and, WHEREAS, it is in the best interest of the City of Atlanta to authorize the establishment of an appropriate fee for permitting and designating said services; and, WHEREAS, it is in the best interest of the City of Atlanta to provide penalties for the violation of the procedures and requirements for valet parking services.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, as follows:

SECTION 1

The Section 150-113 of the City of Atlanta Code of Ordinance that reads:

Sec. 150-113. Stopping, standing or parking in passenger curb loading zone.

No person shall stop, stand or park a vehicle for any purpose or period of time, other than for the expeditious loading or unloading of passengers, or passengers and drivers for the provision of off-street attendant parking services in any place marked as a passenger curb loading zone during hours when the regulations applicable to that curb loading zone are effective.

be amended such that Section 15-113 of the City of Atlanta Code of Ordinance shall read as follows (underlined text is added, deleted text is stricken):

Sec. 150-113. Stopping, standing or parking in passenger curb loading zone.

No person shall stop, stand or park a vehicle for any purpose or period of time, other than for the expeditious loading or unloading of passengers, or passengers and drivers for the provision of off-street attendant parking services as defined and regulated by Sections 150-120 through 150-128 in any place marked as a passenger curb loading zone during hours when the regulations applicable to that curb loading zone are effective.

SECTION 2

That a new Division 2A. Valet Parking Services be added to the City of Atlanta Code of Ordinance within Chapter 150 Traffic and Vehicles, Article IV. Stopping, Standing and Parking as follows.

### **Sec 150-120. Definitions**

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except when the context clearly indicates a different meaning:

*Attendant* means a person who operates a vehicle between a pick-up/drop-off zone and a parking location on behalf of a valet parking service

*Permittee* means a person permitted under this division to operate a valet parking service. The term includes any employee, agent or independent contractor of the person in whose name the permit is issued.

*Valet Parking Service* means a business, or any part of a business, which provides a driver to operate a vehicle to and from a parking location so that the driver and passengers in the vehicle may unload and load at their immediate destination regardless of whether a fee is charged.

*Valet Parking Service Pick-Up/Drop-Off Zone* means a designated location where an attendant takes possession of a vehicle for the purpose of parking and returns the vehicle to the possession of the driver thereof. Said zones:

- a. Shall be approved by the application described in this Division
- b. Shall be a minimum length of 50 feet and may not exceed the length of the permittee's property frontage(s) on the City street(s) adjoining such property.
- c. Shall exist only on City streets that are a minimum of 30 feet wide.
- d. Shall be permitted only in the curb lane of the street.
- e. Shall be permitted where parking meters are installed.
- f. Shall not be permitted in an area in which parking is restricted for other use.
- g. Shall not be located within 10 feet of a crosswalk
- h. Shall not be located within 5 feet of a driveway
- i. Shall not be located within 3 feet in front of or 15 feet behind a sign marking a designated bus stop
- j. Shall not reduce the unobstructed space for the passage of pedestrians to less than 4 feet unless a greater distance is required by the Commissioner and warranted by special pedestrian traffic conditions.

*Valet Parking Service Reservoir Area* premises where a valet parking service parks vehicles. Said area

- a. Shall be approved by the application described in this Division
- b. Shall be appropriately zoned in accordance with the City of Atlanta Zoning Ordinance
- c. Shall comply with the requirements set forth in the City of Atlanta Code of Ordinances Section 16-38.014(1) and (3)
- d. Shall be located within 1,000 feet radially of the associated pick-up/drop-off zone.

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

### **Sec 150-121. Purpose**

- a. The Department of Public Works Office of Traffic and Transportation shall issue permits for the operation of valet parking service on the public right of way.
- b. Other than permitting and regulating valet parking service, this ordinance does not

remove or modify any current rules and regulations applicable to off-street attendant parking services.

c. Nothing in this ordinance shall be construed to permit a commercial establishment to substitute valet off-street attendant parking services for any parking requirements imposed by either the City of Atlanta Zoning Ordinance or the liquor license provisions of the Code of Ordinances.

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

**Sec 150-122 Permit Required**

a. An offense is committed if, without a permit issued by the Commissioner of Public Works, a valet parking service is operated within the city on public right-of-way or on private property which requires the use of public right-of-way for maneuvering vehicles. Said offense shall result in the issuance of a citation and fines as provided in Section 62-35.

b. A permittee commits an offense if, at a time other than the hours and days of operation authorized by his permit, he or his employee, agent or independent contractor operates a valet parking service within the city on public right-of-way or on private property which requires the use of public right-of-way for maneuvering vehicles.

c. A permittee must keep on the premises of the permitted location a valet parking service permit at all times and may be subject to inspection by any authorized official of the City of Atlanta.

d. All valet parking service permits shall be legal for a period of twelve months from the date that the permits are signed. Ninety (90) days before the expiration of the valet parking service permits, permits are eligible for consideration for renewal.

**Sec 150-123 Application**

a. A person who desires to operate a valet parking service on public right-of-way, or on private property which requires the use of public right-of-way for maneuvering vehicles, shall submit an application for a permit promulgated by the Commission for that purpose.

b. The application must be made by the owner or lessee of the premises benefiting from the proposed valet parking service and must contain the following

1. The names, addresses and telephone numbers of the applicant; if the applicant is a lessee, the property owner; and any independent contractor the applicant will use to provide valet parking service.

2. The proposed location of the valet parking service pick-up/drop off zone and any valet parking service stands.

3. The proposed hours and days of operation of the valet parking service;

4. The location of a valet parking service reservoir area to be used in connection with the valet parking service and a signed agreement or other documentation showing that the applicant has a legal right to park vehicles at that location;

5. Proof of insurance required by Sec. 150-127;

6. Signed indemnity and release form that indemnifies the city and its officers and employees against all claims of injury or damage to persons or property

arising out of the operation of the valet parking service by the permittee;

7. A list of names and addresses of all property owners, or their representatives, located within 50 feet of, on the same side of the street as, and within the same block as the valet parking service location, either: (a) with signatures showing consent to the operation of a valet parking service by the applicant; or (b) without signatures, in which case the director shall notify the listed persons of the valet parking service application and obtain comments; and

8. Any other information reasonably required by the Commissioner of Public Works for the purpose of processing the application under the requirements of this division.

e. The Office of Traffic and Transportation shall forward a copy of any completed application to any person required to be notified under Subsection (b)(6) and to the departments of solid waste, code compliance, bureau of buildings, and to any other department that might be affected by the proposed operation of a valet parking service. Each department, and any other notified persons, shall review the application and return it, with any comments, to the Office of Traffic and Transportation within 30 days of receipt.

f. After reviewing the application and comments of the departments and of any person notified in accordance with Subsection (b)(6), and upon receiving payment of all fees required by this division, the Commissioner of Public Works may issue a valet parking service permit unless denial is required by Sec. 150-125.

g. A permittee desiring to change the location or hours of operation of a valet parking service must submit a new application

#### **Sec 150-124. Fees**

a. The Commissioner of Public Works is hereby authorized to charge the following fees:

1. A nonrefundable application fee of \$100.00 must accompany each application for a valet parking service permit.

2. The valet parking service permit fee shall be \$60 per linear foot of curbside space designated for valet parking service drop-off and pick-up zones. Said fees shall be due initially upon approval of the application and payable once a year thereafter upon the approval of a renewal application.

3. The sign fee shall be \$350 per sign, with the number of required signs to be determined by the Department of Public Works Office of Traffic and Transportation. Said fees shall be due and payable once a permit has been approved, but prior to installation of the required signs by the Department of Public Works. Said sign shall indicate that the location is restricted for use by a valet parking service and state the days and hours of operation of the valet parking service

4. No permit fee or sign fee shall be required for a valet parking service that is conducted completely on private property and the public right-of-way is only used for maneuvering vehicles.

b. All application and permit fees collected for this purpose shall be deposited in Fund, Account, Center 1A01 442312 B00001 (New Sidewalk Construction Project).

#### **Sec 150-125 Denial, Revocation or Suspension of Permit**

a. The Commissioner of Public Works shall deny a valet parking service permit or revoke a valet parking service permit if:

1. The applicant fails to comply with the requirements of this division or other applicable law;
2. The applicant makes a false statement of material fact on an application for a valet parking service permit; or
3. The Commissioner of Public Works determines that the operation of the valet parking service would:
  - i. endanger the safety of persons or property or otherwise not be in the public interest;
  - ii. unreasonably interfere with pedestrian or vehicular traffic;
  - iii. unreasonably interfere with the use of a pole, traffic sign, traffic signal, hydrant, mailbox, or other object permitted at or near the proposed location of the valet parking service; or
  - iv. unreasonably interfere with an existing use permitted at or near the proposed location of the valet parking service.

b. The Commissioner of Public Works or the Atlanta Police Department may temporarily suspend the operations of a valet parking service if the public right-of-way reserved by the valet parking service is needed for an emergency or temporary use, including, but not limited to, the construction, maintenance, or repair of a street or utility.

c. The authority for the enforcement of this division shall be the City of Atlanta Police Department.

**Sec 150-126. Standards of Operation**

a. A permittee shall:

1. Allow only employees and independent contractors who hold a valid state driver's license, and who are covered by the insurance required by Section 150-128 of this division, to operate any vehicle in connection with the valet parking service;
2. Maintain a valet parking service stand that meets the requirements of Sec. 150-128 at each location where the permittee provides valet parking service;
3. Operate the valet parking service in a manner that does not:
  - i. use or occupy more of the public right-of-way than is allowed by his valet parking service license;
  - ii. unreasonably interfere with safe traffic operations of roadways, driveways and intersections;
  - iii. obstruct a pedestrian's use of a sidewalk;
  - iv. obstruct a vehicle operator's ability to see any part of an intersecting road; or
  - v. injure, damage, or create a hazard to persons or property;
4. Not park or allow the parking of a vehicle in a valet parking service space, or allow the loading and unloading of goods, equipment, or merchandise, but shall only use the space for loading and unloading passengers; in no event shall a vehicle be allowed to remain in a valet parking service space for more than five minutes;
5. Place no more than one valet parking service stand on public right-of-way;

6. Not place a sign identifying or advertising the service on a street or sidewalk unless the sign is located on the valet parking service stand or as provided for in Sec. 150-128 (c);

7. At no time allow a vehicle to be unattended in a pick-up/drop-off zone;

8. Continuously provide valet parking service during all hours of operation authorized in his permit;

9. Only use an off-street parking location to park a vehicle accepted for valet parking service and shall not park the vehicle on public right-of-way; and

10. Notify the Department of Public Works within 10 days of a change in the location of off-street parking and provide the Commissioner of Public Works with a signed agreement or other documentation showing that the permittee has a legal right to park vehicles at the new location.

b. At all times other than the authorized hours of operation of a valet parking service, spaces reserved by the valet parking service shall be available for use by the general public on a first-come, first-served basis in accordance with posted signs and other traffic control devices, except where parking is restricted or prohibited.

**Sec 150-127. Insurance**

a. A permittee shall procure, or cause to be procured, and keep continuously in full force and effect during the duration of valet parking service operations, and shall keep on file with the Department of Public Works, a policy of comprehensive general liability insurance and garage insurance, or a certificate of insurance, issued by a casualty insurance company authorized to do business in this state and in the standard form approved by the board of insurance commissioners of the state. The insured provisions of the policy must include the city, and its officers and employees, as insureds and the coverage provisions must insure the public against loss or damage that may arise to any person or property by reason of the operation of a valet parking service by the permittee.

b. The comprehensive general liability insurance must be on a broad form and provide limits of liability for bodily injury and property damage of not less than \$300,000 combined single limit, or the equivalent.

c. The garage insurance must provide limits of liability for bodily injury and property damage of not less than \$300,000 combined single limit, or the equivalent, and must provide the following coverages:

1. Comprehensive and collision coverage for physical damage.

2. Coverage for vehicle storage.

3. Coverage for a vehicle driven by or at the direction of the permittee.

d. Each insurance policy must state that it may not be canceled, materially modified or nonrenewed unless the insurance company gives the Department of Public Works 30 days advance written notice.

**Sec 150-128. Valet Parking Service Stand**

a. A permittee shall provide one valet parking service stand at each permitted location. The valet parking service stand may be located on the public right-of-way at a location approved by the Department of Public Works or within the adjacent building for whose benefit the valet parking service is provided. The valet parking service stand must be necessary to the general conduct of the valet

parking service and shall be used for such purposes, including, but not limited to, the dispatch of valets and the storage of keys, umbrellas, and other items.

b. A valet parking service stand shall:

1. occupy an area of the public right-of-way no greater than four feet by four feet or one-half the width of the sidewalk if the sidewalk is less than eight feet wide;

2. not be affixed to the public right-of-way in any manner;

3. be easily moveable by one person;

4. be removed from the public right-of-way when the valet parking service is not being operated;

5. be secured and locked when left unattended; and

6. have affixed a sign not larger than four feet by four feet for the sole purpose of identifying the valet parking service indicating the name of the operator of the valet parking service and the fee for valet parking service, if any.

c. If the valet parking service stand is located within a building, the permittee shall provide a portable sign that meets the requirements of item Sec. 150-128 (b)(6) on the sidewalk at the pick-up/drop-off zone.

### SECTION 3

That all ordinances and parts of ordinances in conflict herewith be and the same are hereby repealed.