A SUBSTITUTE ORDINANCE
BY TRANSPORTATION COMMITTEE

10-O-0280

A SUBSTITUTE ORDINANCE TO AMEND DIVISION 2A OF ARTICLE IV OF CHAPTER 150, TRAFFIC AND VEHICLES, SECTIONS 150-120 THROUGH 150-131 OF THE CODE OF ORDINANCES OF THE CITY OF ATLANTA SO AS TO ESTABLISH A PERMANENT PROGRAM TO PERMIT VALET PARKING SERVICES; TO MODIFY AND EXTEND PROCEDURES FOR THE PERMITTING AND REGULATION OF THE VALET PARKING SERVICES PROGRAM; AND FOR OTHER PURPOSES.

WHEREAS, Ordinance 07-O2814, adopted by the Atlanta City Council on July 21, 2008 and approved by the Mayor on July 30, 2008, established a pilot program permitting curbside valet parking pick-up/drop-off zones; and,

WHEREAS, the Department of Public Works has reviewed and evaluated the overall operation of valet parking services within the public right of way for a period of eighteen months, and

WHEREAS, it is in the best interest of the City of Atlanta to extend and make permanent the valet parking pick up/drop off zone program;

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

SECTION 1: Sections 150-120 through 150-131 are hereby amended as follows:

Sec 150-120. Valet Parking Services Program

a. A Valet Parking Services Program is established for the purpose of permitting and regulating on-street valet parking services.

b. *Geographic Area*: The Valet Parking Services Program shall be permitted within the boundaries of the City of Atlanta.

c. This Division, as well as all related and applicable Code Sections contained in Chapter 150 of the City's Code of Ordinances, are not applicable to the "Airport", as that term is defined in Chapter 22, Article III., Division 1, Section 22-56 of the City's Code of Ordinances.

Sec 150-121. 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. Attendants are required to wear a badge, uniform or shirt which identifies the attendant as an authorized employee of the valet parking service.

Permittee means a business owner 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. Permits are issued to the business benefiting from the zone, not the valet parking service provider.

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 Department of Public Works
b. Shall be a length determined by the Department of Works, shall have a minimum length of 45 feet and a maximum length of 80 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. May 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 20 feet of a crosswalk or 30 feet of an intersection, whichever is greater
h. Shall not be located within 5 feet of a driveway
i. Shall not be located within 3 feet in front of or 40 feet behind a sign marking a designated bus stop
j. Shall not reduce the unobstructed space for the passage of pedestrians to less than 5 feet unless a greater distance is required by the Commissioner and warranted by special pedestrian traffic conditions.
k. Shall not be located within the area used by vehicle detection devices near signalized intersections.
l. Shall not be located on any street that is part of the Georgia Department of Transportation State Route System

m. Shall not be permitted during peak hours of traffic, as determined for the subject street by the Department of Public Works, Office of Transportation.
n. May be restricted from 11 PM to 6 AM when the drop-off/pick up zone is located within 200 feet of a residential building or a mixed use building with a residential use.

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

a. Shall be approved by the Department of Public Works
b. Shall be appropriately zoned in accordance with the City of Atlanta Zoning Code
c. Shall comply with the requirements set forth in the City of Atlanta Ordinance contained in Part 16 of the City of Atlanta Land Development Code and in particular at Sections 16-28.014(1) and (3), Section 158-30, and any other applicable code sections
d. Shall be located within a 1,000 feet radius of the associated pick-up/drop-off zone.
e. Shall not be located within the public right-of-way

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 150-122. Purpose

a. The Department of Public Works Office of Transportation is authorized to 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 division shall be construed to permit a commercial establishment to substitute valet off-street attendant parking services for any parking requirements imposed by the City of Atlanta Code of Ordinances including but not limited to the Zoning Ordinance contained in Part 16 of the City of Atlanta Land Development Code or in the provisions related to the control of alcoholic beverages contained in Chapter 10 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 150-123. Permit Required

a. 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.

~~b.~~ All valet parking service permits shall be valid for 1 year from approval date.

c. A permit renewal application must be submitted 30 days prior to permit expiration.

Sec 150-124. 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 insurance as required by Section 150-126 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 Section 150-125 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 the valet parking service permit;
   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 in the 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 Section 150-125 (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 the permit;

9. Only use an off-street parking location to park a vehicle accepted for valet parking service and shall not park the vehicle in the 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 150-125. 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 in 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 with a minimum of 5 feet unobstructed pedestrian clear zone
2. not be permanently 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.
7. Provide and maintain a trash receptacle.

~~c.~~ If the valet parking service stand is located within a building, the permittee shall provide a portable A-frame sign not larger than two feet by three 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.

Sec 150-126. 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, Business Auto Liability insurance, and Garage Keeper's insurance, on 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 insurance commissioner of the state. The insured provisions of the policy must include the city, and its officers and employees, as additional 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 in an amount of $1,000,000 per occurrence with a $2,000,000 aggregate.

c. The Business Auto Liability insurance must provide limits of liability for bodily injury and property damage in an amount not less than $500,000 combined single limit. The following extensions of coverage must be included.

   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.

   4. The garage keeper's liability insurance must provide limits of liability for "auto" and "other than auto" in an amount not less than $500,000 combined single limit. The Other Than Collision coverage shall include "Comprehensive" (all perils) coverage.

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

Sec 150-127. Application

a. A business owner who desires to operate a valet parking service in the public right-of-way~~,~~ shall submit an application for a permit to the Commissioner of Public Works for that purpose.

b. A joint application may be made for one valet parking service to provide service to two or more premises benefiting from the zone located in close proximity to the

proposed valet parking service pick-up/drop-off zone. Said application must include required application information as detailed in this section for all owners and lessees.

c. The application must be made by the owner(s) or lessee(s) 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. A traffic flow plan, including a map, describing the route(s) that vehicles will be driven between the proposed valet pick-up/drop-off zone and the valet reservoir area.

6. Proof of insurance as required by Section 150-126;

7. Signed indemnity and release forms that indemnify 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;

8. Signed affidavit and photographic proof that upon submission of the application, the applicant did post notification of the application in a location visible to the public for a period of 30 days from application submittal.

9. Signed affidavit stating that the permittee is a U.S. citizen or a legal alien as required for the Systematic Alien Verification of Entitlement (SAVE) program.

10. A copy of a valid local business tax receipt issued by the City; and

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

d. The Office of Traffic and Transportation shall forward notice of any completed application to the applicable City of Atlanta Neighborhood Planning Unit for informational purposes only.

e. Upon submission of the application, the applicant shall post notification of the application at its place of business in a location visible to the public for a period of 30 days.

f. After reviewing the application and upon receiving payment of all fees required by this division, the Commissioner of Public Works may issue a valet parking service permit, unless the application is denied pursuant to Section 150-130.

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

Sec 150-128. Fees

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

1. A nonrefundable application fee of $300.00.

2. An annual fee of $35 per linear foot of curbside space designated for valet parking service drop-off and pick-up zones. Said fees shall be due upon approval of the application.

3. If the operation of the valet parking service requires use of metered parking spaces or area, the permittee shall also pay a fee of $8 per day per meter. If the valet service is operated at a location for a portion of a day, the parking meter fee shall be pro-rated based on the amount of time the location is used for valet service.

4. The sign installation fee shall be $150 per sign, with the number of required signs to be determined by the Department of Public Works Office of 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. Each 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

5. 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.

6. A permit renewal fee of $75.

b. All application and permit fees collected for this purpose shall be deposited in Fund, Account, Center 1001 3222105 000002.

Sec 150-129. Violations

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.

b. An offense is committed if, at a time other than the hours and days of operation authorized by the permit, an employee, agent or independent contractor of the permittee 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. An offense is committed if the permittee fails to keep on the premises of the permitted location a valid valet parking service permit at all times. The permittee's business is subject to inspection at any time by any authorized official of the City of Atlanta.

d. Offenses "a", "b" and "c" shall result in the issuance of a citation and a maximum fine of $1000 per occurrence.

Sec. 150-130. Denial, revocation or suspension of permit.

a. The commissioner of public works shall deny a valet parking service permit or revoke without refund of any portion of any fees 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 or special event.

c. The City of Atlanta Police Department and Department of Public Works parking enforcement personnel shall have the authority to enforce the provisions of this division.

Sec. 150-131. Appeals and hearings.

Other than with regard to the authority of the commissioner of public works to suspend or modify operations of valet parking service pursuant to the provisions of section 150-123, any aggrieved permit applicant or permit holder shall have the right to appeal the denial, suspension or revocation of a valet parking service permit. Such appeals shall proceed in the following manner.

a. *Appeal of application denial.* An appeal of a denial of an application shall be submitted to the commissioner of public works. Such appeal shall be in the form of a written statement setting forth fully the grounds for the appeal. The appeal shall be filed with the commissioner of public works within ten business days after the notice of denial is issued. Notices which are given by mail shall be presumed to have been received three days after mailing.

1. Appeals to the commissioner of public works shall result in the commissioner setting forth a time and place for a hearing on the appeal. Hearings shall be informal, and shall be scheduled within ten business days after receipt of the appeal. The determination of such hearing shall be made within ten business days thereafter, which determination shall either affirm or modify the permit denial.

2. The commissioner's decision may affirm the original decision, may reverse and grant a permit, or may reverse and grant a permit with conditions.

3. The hearing under this section shall be de novo. The application shall be evaluated in accordance with the criteria of this division.

4. The written determination of the commissioner of public works upon the hearing as provided in this division shall be the final decision of the city in the matter, and shall be subject to review by the Superior Court of Fulton County

by a petition setting forth an appeal and naming the City of Atlanta as the defending party.

b. *Appeal of permit suspension or revocation.* An appeal of a suspension or revocation of a valet parking service permit shall be submitted by the permit holder to the license and permits unit of the Atlanta Police Department. Such appeal shall be in the form of a written statement setting forth fully the grounds for the appeal. The permit holder may include with the written appeal all evidentiary materials that the permit holder wishes to submit in support of the permit holder's position. The appeal shall be filed with the license and permits unit within ten business days after the notice of suspension or revocation is issued Notices which are given by mail shall be presumed to have been received three days after mailing.

1. Upon receipt of the appeal, the license and permits unit shall, within five business days, request the original written determination prepared by the commissioner of public works. Said written determination forwarded to the license and permits unit shall include all relevant documentation and information supporting the recommendation of the commissioner of public works.

2. The commissioner of public works shall forward the determination to the license and permits unit within ten business days of receipt of the request from the license and permits unit.

3. Upon receipt of the determination and supporting documentation from the commissioner of public works, the license and permits unit shall add the appeal to the agenda for the next regularly scheduled license review board meeting ("board") and shall notify the appellant in writing of the date, time, and location of said meeting.

4. At the hearing before the board, the appellant may present evidence and testimony in support of the appellant's position. The commissioner of public works, or his designee, may then present evidence and testimony in support of the commissioner's position.

5. At the conclusion of the hearing, the board shall make a recommendation to the mayor supporting the action taken by the commissioner of public works, or modifying said action.

6. The mayor shall approve, modify, or reject the recommendation of the board within 90 calendar days of receipt of a recommendation from the board. Upon review of the board's recommendation and the record created during the board hearing, if the mayor determines there exists the need to correct a clear error or prevent a manifest injustice, the mayor may remand the application back to the board for further hearing. In remanding the application back to the board,

the mayor shall provide written instructions to the board and the license and permits unit identifying specific issues and/or matters the mayor requires the board to conduct further hearing upon. The appellant shall be provided with a five day written notice stating the specific issues and/or matters to be addressed on remand, along with the place, date and time of the remand hearing. All matters remanded to the board shall be scheduled for further hearing before the board no later than 30 days after the date of remand. If the mayor does not make a decision to grant or deny an appeal within the 90 calendar days provided, and does not choose to remand the appeal to the license review board, the appellant shall be approved or denied wherein the recommendation of the license review board shall become the final decision of the mayor.

SECTION 2: All ordinances or parts of ordinances in conflict with this ordinance are hereby waived to the extent of any such conflict.

10- O -0280

AN ORDINANCE
BY TRANSPORTATION COMMITTEE

AN ORDINANCE TO AMEND DIVISION 2A OF ARTICLE IV OF CHAPTER 150, TRAFFIC AND VEHICLES, SECTIONS 150-120 THROUGH 150-131 OF THE CODE OF ORDINANCES OF THE CITY OF ATLANTA SO AS TO ESTABLISH A PERMANENT PROGRAM TO PERMIT VALET PARKING SERVICES; TO MODIFY AND EXTEND PROCEDURES FOR THE PERMITTING AND REGULATION OF THE VALET PARKING SERVICES PROGRAM; AND FOR OTHER PURPOSES.

WHEREAS, Ordinance 07-O2814, adopted by the Atlanta City Council on July 21, 2008 and approved by the Mayor on July 30, 2008, established a pilot program permitting curbside valet parking pick-up/drop-off zones; and,

WHEREAS, the Department of Public Works has reviewed and evaluated the overall operation of valet parking services within the public right of way for a period of eighteen months, and

WHEREAS, it is in the best interest of the City of Atlanta to extend and make permanent the valet parking pick up/drop off zone program;

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

SECTION 1: Sections 150-120 through 150-131 are hereby amended as follows (underlined text is added, deleted text is ~~stricken~~):

Sec 150-120. Valet Parking Services ~~Pilot~~ Program

a. ~~Duration:~~ A Valet Parking Services ~~Pilot~~ Program is established for the purpose of permitting and regulating on-street valet parking services. ~~The pilot program shall expire on January 31, 2010.~~

~~b. The Pilot Program duration may be extended or the program converted to a permanent program only with the approval of City Council.~~

b. *Geographic Area*: The Valet Parking Services ~~Pilot~~ Program shall be permitted ~~only~~ within the boundaries of the City of Atlanta. ~~Downtown Improvement District and the Midtown Improvement District. Permits for valet parking services shall be permitted only if the valet parking service pick-up/drop-off zone and valet parking service reservoir area are located entirely within the boundaries of the Atlanta Downtown Improvement District and the Midtown Improvement District~~.

c. This Division, as well as all related and applicable Code Sections contained in Chapter 150 of the City's Code of Ordinances, are not applicable to the "Airport", as that term is defined in Chapter 22, Article III., Division 1, Section 22-56 of the City's Code of Ordinances.

Sec 150-121. 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. Attendants are required to wear a badge, uniform or shirt which identifies the attendant as an authorized employee of the valet parking service.

Permittee means a ~~person~~ business owner 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. Permits are issued to the business benefiting from the zone, not the valet parking service provider.

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 Department of Public Works
b. Shall be a length determined by the Department of Works, shall have ~~be~~ a minimum length of ~~50~~ 45 feet and a maximum length of 80 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. May 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 20 feet of a crosswalk or 30 feet of an intersection, whichever is greater
h. Shall not be located within 5 feet of a driveway
i. Shall not be located within 3 feet in front of or ~~15~~ 40 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~~ 5 feet unless a greater distance is required by the Commissioner and warranted by special pedestrian traffic conditions.
k. Shall not be located within the area used by vehicle detection devices near signalized intersections.
l. Shall not be located on any street that is part of the Georgia Department of Transportation State Route System
m. Shall not be permitted during peak hours of traffic, as determined for the subject street by the Department of Public Works, Office of Transportation.
n. May be restricted from 11 PM to 6 AM when the drop-off/pick up zone is located within 200 feet of a residential building or a mixed use building with a residential use.

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

a. Shall be approved by the Department of Public Works
b. Shall be appropriately zoned in accordance with the City of Atlanta Zoning Code
c. Shall comply with the requirements set forth in the City of Atlanta Ordinance contained in Part 16 of the City of Atlanta Land Development Code and in particular at Sections 16-28.014(1) and (3), Section 158-30, and any other applicable code sections
d. Shall be located within a 1,000 feet radius of the associated pick-up/drop-off zone.
e. Shall not be located within the public right-of-way

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 150-122. Purpose

a. The Department of Public Works Office of Transportation is authorized to 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 ~~division~~ ordinance does not remove or modify any current rules and regulations applicable to off-street attendant parking services.

c. Nothing in this division shall be construed to permit a commercial establishment to substitute valet off-street attendant parking services for any parking requirements imposed by the City of Atlanta Code of Ordinances including but not limited to the Zoning Ordinance contained in Part 16 of the City of Atlanta Land Development Code or in the provisions related to the control of alcoholic beverages contained in Chapter 10 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 150-123. Permit Required

a. 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.

~~b.~~ All valet parking service permits shall be valid ~~until January 31, 2010~~ for 1 year from approval date. ~~Permit fees for periods greater than or less than one year will be prorated accordingly.~~

c. A permit renewal application must be submitted 30 days prior to permit expiration.

Sec 150-124. 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 insurance as required by Section 150-126 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 Section 150-125 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 the valet parking service permit;
   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 in the 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 Section 150-125 (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 the permit;

9. Only use an off-street parking location to park a vehicle accepted for valet parking service and shall not park the vehicle in the 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 150-125. 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 in 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 with a minimum of 4 5 feet unobstructed pedestrian clear zone
2. not be permanently 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.
7. Provide and maintain a trash receptacle.

~~e.~~ If the valet parking service stand is located within a building, the permittee shall provide a portable A-frame sign not larger than two feet by three 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. ~~and meet all City Code requirements including the Zoning code.~~

Sec 150-126. 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, Business Auto Liability insurance, and Garage Keeper's insurance, on 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 insurance commissioner of the state. The insured provisions of the policy must include the city, and its officers and employees, as additional 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 in an amount of $1,000,000 per occurrence with a $2,000,000 aggregate.

c. The Business Auto Liability insurance must provide limits of liability for bodily injury and property damage in an amount not less than $500,000 combined single limit. The following extensions of coverage must be included.

   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.

   4. The garage keeper's liability insurance must provide limits of liability for "auto" and "other than auto" in an amount not less than $500,000 combined single limit. The Other Than Collision coverage shall include "Comprehensive" (all perils) coverage.

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

Sec 150-127. Application

a. A ~~person~~ business owner who desires to operate a valet parking service in the 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 to the Commissioner of Public Works for that purpose.

b. A joint application may be made for one valet parking service to provide service to two or more premises benefiting from the zone located in close proximity to the proposed valet parking service pick-up/drop-off zone. Said application must include required application information as detailed in this section for all owners and lessees.

c. The application must be made by the owner(s) or lessee(s) 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. A traffic flow plan, including a map, describing the route(s) that vehicles will be driven between the proposed valet pick-up/drop-off zone and the valet reservoir area.

   6. Proof of insurance as required by Section 150-126;

   7. Signed indemnity and release forms that indemnify 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;

   8. Signed affidavit and photographic proof that upon submission of the application, the applicant did post notification of the application in a location visible to the public for a period of 30 days from application submittal.

9. Signed affidavit stating that the permittee is a U.S. citizen or a legal alien as required for the Systematic Alien Verification of Entitlement (SAVE) program.

10. A copy of a valid local business tax receipt issued by the City; and

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

d. The Office of Traffic and Transportation shall forward notice of any completed application to the applicable City of Atlanta Neighborhood Planning Unit for informational purposes only.

e. Upon submission of the application, the applicant shall post notification of the application at its place of business in a location visible to the public for a period of 30 days.

f. After reviewing the application and upon receiving payment of all fees required by this division, the Commissioner of Public Works may issue a valet parking service permit, unless the application is denied pursuant to Section 150-130.

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

Sec 150-128. Fees

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

1. A nonrefundable application fee of $300.00.

2. An annual fee of $35 per linear foot of curbside space designated for valet parking service drop-off and pick-up zones. Said fees shall be due upon approval of the application.

3. If the operation of the valet parking service requires use of metered parking spaces or area, the permittee shall also pay a fee of $8 per day per meter. If the valet service is operated at a location for a portion of a day, the parking meter fee shall be pro-rated based on the amount of time the location is used for valet service.

4. The sign installation fee shall be $150 per sign, with the number of required signs to be determined by the Department of Public Works Office of 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. Each 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

5. 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.

6. A permit renewal fee of $75.

b. All application and permit fees collected for this purpose shall be deposited in Fund, Account, Center 1001 3222105 000002.

Sec 150-129. Violations

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.

b. An offense is committed if, at a time other than the hours and days of operation authorized by the permit, an employee, agent or independent contractor of the permittee 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. An offense is committed if the permittee fails to keep on the premises of the permitted location a valid valet parking service permit at all times. The permittee's business is subject to inspection at any time by any authorized official of the City of Atlanta.

d. Offenses "a", "b" and "c" shall result in the issuance of a citation and a maximum fine of $1000 per occurrence.

Sec. 150-130. Denial, revocation or suspension of permit.

a. The commissioner of public works shall deny a valet parking service permit or revoke without refund of any portion of any fees 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 or special event.

c. The City of Atlanta Police Department and Department of Public Works parking enforcement personnel shall have the authority to enforce the provisions of this division.

Sec. 150-131. Appeals and hearings.

Other than with regard to the authority of the commissioner of public works to suspend or modify operations of valet parking service pursuant to the provisions of section 150-123, any aggrieved permit applicant or permit holder shall have the right to appeal the denial, suspension or revocation of a valet parking service permit. Such appeals shall proceed in the following manner.

a. *Appeal of application denial.* An appeal of a denial of an application shall be submitted to the commissioner of public works. Such appeal shall be in the form of a written statement setting forth fully the grounds for the appeal. The appeal shall be filed with the commissioner of public works within ten business days after the notice of denial is issued. Notices which are given by mail shall be presumed to have been received three days after mailing.

   1. Appeals to the commissioner of public works shall result in the commissioner setting forth a time and place for a hearing on the appeal. Hearings shall be informal, and shall be scheduled within ten business days after receipt of the appeal. The determination of such hearing shall be made within ten business days thereafter, which determination shall either affirm or modify the permit denial.

2. The commissioner's decision may affirm the original decision, may reverse and grant a permit, or may reverse and grant a permit with conditions.

3. The hearing under this section shall be de novo. The application shall be evaluated in accordance with the criteria of this division.

4. The written determination of the commissioner of public works upon the hearing as provided in this division shall be the final decision of the city in the matter, and shall be subject to review by the Superior Court of Fulton County by a petition setting forth an appeal and naming the City of Atlanta as the defending party.

b. *Appeal of permit suspension or revocation.* An appeal of a suspension or revocation of a valet parking service permit shall be submitted by the permit holder to the license and permits unit of the Atlanta Police Department. Such appeal shall be in the form of a written statement setting forth fully the grounds for the appeal. The permit holder may include with the written appeal all evidentiary materials that the permit holder wishes to submit in support of the permit holder's position. The appeal shall be filed with the license and permits unit within ten business days after the notice of suspension or revocation is issued Notices which are given by mail shall be presumed to have been received three days after mailing.

1. Upon receipt of the appeal, the license and permits unit shall, within five business days, request the original written determination prepared by the commissioner of public works. Said written determination forwarded to the license and permits unit shall include all relevant documentation and information supporting the recommendation of the commissioner of public works.

2. The commissioner of public works shall forward the determination to the license and permits unit within ten business days of receipt of the request from the license and permits unit.

3. Upon receipt of the determination and supporting documentation from the commissioner of public works, the license and permits unit shall add the appeal to the agenda for the next regularly scheduled license review board meeting ("board") and shall notify the appellant in writing of the date, time, and location of said meeting.

4. At the hearing before the board, the appellant may present evidence and testimony in support of the appellant's position. The commissioner of public works, or his designee, may then present evidence and testimony in support of the commissioner's position.

5. At the conclusion of the hearing, the board shall make a recommendation to the mayor supporting the action taken by the commissioner of public works, or modifying said action.

6. The mayor shall approve, modify, or reject the recommendation of the board within 90 calendar days of receipt of a recommendation from the board. Upon review of the board's recommendation and the record created during the board hearing, if the mayor determines there exists the need to correct a clear error or prevent a manifest injustice, the mayor may remand the application back to the board for further hearing. In remanding the application back to the board, the mayor shall provide written instructions to the board and the license and permits unit identifying specific issues and/or matters the mayor requires the board to conduct further hearing upon. The appellant shall be provided with a five day written notice stating the specific issues and/or matters to be addressed on remand, along with the place, date and time of the remand hearing. All matters remanded to the board shall be scheduled for further hearing before the board no later than 30 days after the date of remand. If the mayor does not make a decision to grant or deny an appeal within the 90 calendar days provided, and does not choose to remand the appeal to the license review board, the appellant shall be approved or denied wherein the recommendation of the license review board shall become the final decision of the mayor.

SECTION 2: All ordinances or parts of ordinances in conflict with this ordinance are hereby waived to the extent of any such conflict.

RCS# 71
2/15/10
2:39 PM

Atlanta City Council

REGULAR SESSION

CONSENT II

REFER

YEAS:	12
NAYS:	0
ABSTENTIONS:	0
NOT VOTING:	4
EXCUSED:	0
ABSENT	0

Y Smith	Y Archibong	Y Moore	Y Bond
NV Hall	Y Wan	Y Martin	NV Watson
Y Young	Y Shook	Y Bottoms	Y Willis
Y Winslow	Y Adrean	NV Sheperd	NV Mitchell

Part II: Legislative White Paper: (This portion of the Legislative Request Form will be shared with City Council members and staff)

A. To be completed by Legislative Counsel:

Committee of Purview: Transportation Committee

Caption: AN ORDINANCE TO AMEND DIVISION 2A OF ARTICLE IV OF CHAPTER 150, TRAFFIC AND VEHICLES, SECTIONS 150-120 THROUGH 150-131 OF THE CODE OF ORDINANCES OF THE CITY OF ATLANTA SO AS TO ESTABLISH A PERMANENT PROGRAM TO PERMIT VALET PARKING SERVICES; TO MODIFY AND EXTEND PROCEDURES FOR THE PERMITTING AND REGULATION OF THE VALET PARKING SERVICES PROGRAM; AND FOR OTHER PURPOSES.

Council Meeting Date: February 15, 2010

Requesting Dept.: Department of Public Works

B. To be completed by the department:

1. Please provide a summary of the purpose of this legislation (Justification Statement).

The purpose of this legislation is to amend Division 2A, Article IV, Chapter 150-120-120-131 of the City of Atlanta Code of Ordinances so as to establish a permanent program to permit valet parking services.

2. Please provide background information regarding this legislation.

3. <u>If Applicable/Known:</u>

(a) Contract Type (e.g. Professional Services, Construction Agreement, etc):

(b) Source Selection:

(c) Bids/Proposals Due:

(d) Invitations Issued:

(e) Number of Bids:

(f) Proposals Received:

(g) Bidders/Proponents:

(h) Term of Contract:

4. Fund Account Center:

5. Source of Funds:

6. Fiscal Impact:

7. Method of Cost Recovery:

This Legislative Request Form Was Prepared By: Soraya Belgrave

TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE **ATTN: CHIEF OF STAFF**

Dept.'s Legislative Liaison: Soraya Belgrave

Contact Number: (404) 330-6002

Originating Department: Department of Public Works

Committee(s) of Purview: Transportation Committee

Chief of Staff Deadline: January 12, 2010

Anticipated Committee Meeting Date(s): February 9, 2010

Anticipated Full Council Date: February 15, 2010

Legislative Counsel's Signature: Saul Schultz

Commissioner Signature:

Chief Procurement Officer Signature:

CAPTION

AN ORDINANCE TO AMEND DIVISION 2A OF ARTICLE IV OF CHAPTER 150, TRAFFIC AND VEHICLES, SECTIONS 150-120 THROUGH 150-131 OF THE CODE OF ORDINANCES OF THE CITY OF ATLANTA SO AS TO ESTABLISH A PERMANENT PROGRAM TO PERMIT VALET PARKING SERVICES; TO MODIFY AND EXTEND PROCEDURES FOR THE PERMITTING AND REGULATION OF THE VALET PARKING SERVICES PROGRAM; AND FOR OTHER PURPOSES.

Mayor's Staff Only

Received by CPO: _____ (date) **Received by LC from CPO:** _____ (date)

Received by Mayor's Office: 1.12.10 (date) **Reviewed by:** 1/27/10 (date)

Submitted to Council: _____