

ORDINANCE NO. 22224-05-2016

AN ORDINANCE AMENDING CHAPTER 30 "STREETS AND SIDEWALKS," ARTICLE VI "VALET PARKING," OF THE CODE OF THE CITY OF FORT WORTH, TEXAS (2015), AS AMENDED, BY MODIFYING THE PERMIT APPLICATION PROCESS, SPECIFYING THE APPLICABILITY OF THE ORDINANCE, INCREASING THE TIME LIMIT FOR STANDING VEHICLES AT HOTELS, AND COMPLETING OTHER MINOR REVISIONS; AMENDING CHAPTER 22, "MOTOR VEHICLES AND TRAFFIC," ARTICLE VI, "STOPPING, STANDING, AND PARKING," DIVISION 1, "GENERALLY," TO ADD SECTION 22-158.3 CREATING A VALET PARKING ZONE; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL PRIOR ORDINANCES AND REPEAL CONFLICTING ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING A PENALTY CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER OF THE CITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Fort Worth ("City Council") seeks to promote public safety on streets by regulating valet parking areas throughout the City of Fort Worth ("City");

WHEREAS, the City Council seeks to encourage tourism throughout the City by minimizing congestion and making parking more convenient to patrons visiting local establishments;

WHEREAS, local valet parking operators at hotels in the City have experienced challenges under the existing valet parking ordinance because the five (5) minute time restriction included in the current ordinance is sometimes an insufficient amount of time to load and unload passengers;

WHEREAS, local businesses and valet parking operators have collaborated to revise the valet parking ordinance to maximize the use of the City's public assets, such as public sidewalks, streets and right-of-ways, for the purpose of providing valet parking service without impeding the needs of the local businesses;

WHEREAS, the City Council has determined that the valet parking ordinance is necessary to protect health, life, and property and to preserve good government, order, and security of the City and its inhabitants; and

WHEREAS, it is reasonable to amend Chapter 30, Article VI and Chapter 22, Article VI, Division 1 of the Code of the City of Fort Worth, Texas (2015), as amended, to better manage the City's public assets and continue to encourage tourism in the City of Fort Worth;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FORT WORTH, TEXAS, THAT:

SECTION 1.

Chapter 30, "Streets and Sidewalks," Article VI "Valet Parking," of the Code of the City of Fort Worth, Texas (2015), as amended, is hereby amended to read as follows:

ARTICLE VI: VALET PARKING

Sec. 30-89 DEFINITIONS.

For the purposes of this article:

DIRECTOR. The director of the Transportation and Public Works Department or the director's designated representative.

LICENSEE. A person licensed under this article to operate a Valet Parking Service. The term includes any employee, agent or independent contractor of the person in whose name the Valet Parking License is issued.

SITE. The public space along the curb line of a block face within the right-of-way or within the traffic lane as identified by appropriate signage or markings where a Licensee may receive or return vehicles under a Valet Parking License issued by the Director.

VALET PARKING LICENSE. A license issued by the Director authorizing a Valet Parking Service to use the City's right-of-way.

VALET PARKING SERVICE. A business, or any part of a business, which provides a person to receive a vehicle from a patron of a commercial establishment or commercial activity and operate it to and from a parking location so that the patron and any passengers in the vehicle may unload and load at their immediate destination without the necessity of locating a space and parking their own vehicle.

Sec. 30-90 PURPOSE AND APPLICABILITY.

The purpose of this ordinance is to regulate valet parking operations in order to manage traffic flow in the public right-of-way in a manner that minimizes congestion and makes parking more convenient to patrons visiting local establishments. This article only applies to a Valet Parking Service provided in connection with a commercial establishment or commercial activity and does not apply to occasional valet parking service provided at a private residence or in connection with a social or fundraising activity. This article does not apply to property that is used by a commercial establishment pursuant to a written agreement with the City or to a Valet Parking Service unloading and loading patrons on private property.

Sec. 30-91 VALET PARKING LICENSE REQUIRED; APPLICATION; ISSUANCE; RENEWALS.

(a) A person who desires to operate a Valet Parking Service on public right-of-way shall apply in writing to the Director, on a form prescribed by the Director, for a Valet Parking License. One application per Site must be submitted to the Director. The application must be completed by the Valet Parking Service, or the owner or lessee of the premises benefitting from the proposed Valet Parking Service, and must contain the following information:

- (1) The names, addresses and telephone numbers of:
 - a. The applicant;
 - b. If the applicant is a lessee, the property owner; and
 - c. The independent contractor, if any, the applicant will use to provide Valet Parking Service;
- (2) The proposed location of the Valet Parking Service and a map showing the placement of any Valet Parking Service stands and off-site valet parking. The map shall also include the placement of any traffic cones to be used;
- (3) The number of spaces requested to be reserved for the Valet Parking Service, each space being twenty-five (25) feet long, if parallel to the curb, or nine (9) feet wide, if head in to the curb; a minimum number of two (2) spaces must be reserved unless the Director determines that because of special traffic conditions, a greater number of spaces is needed to efficiently operate the Valet Parking Service;
- (4) The proposed hours and days of operation of the Valet Parking Service;
- (5) The location of off-street parking and evidence of a signed agreement or other documentation showing that the applicant has a legal right to park vehicles at that off-street location;
- (6) Proof of insurance as required by § 30-99;
- (7) Copies of written notification to all property owners or their representatives, located within 100 feet of, on the same side of the street as, and within the same block as the Site; and
- (8) The applicable fee under Section 30-93.

(b) Within (14) days after any completed application is submitted to the Director, the Director shall forward a copy to any department that, in the Director's discretion, might be affected by the operation of the proposed Valet Parking Service. Each department representative, and any other notified persons, shall review the application and return it with any comments, which might affect the Director's decision, to the Director within thirty (30) days of receipt.

(c) After reviewing the application and properly submitted comments of the departments, and upon receiving payment of all fees required by this division, the Director shall issue a Valet Parking License if the applicant meets the requirements of this article, subject to Section 30-94. If an application is denied by the Director then the applicant may appeal in accordance with Section 30-95.

(d) A Licensee desiring to change the location or hours of operation of a Valet Parking Service must submit a new application to the Director in accordance with this section.

(e) *Application Renewal.* The initial Valet Parking License will expire on December 31 of the same year of issuance, unless terminated sooner by the Director. A Licensee must apply to renew its annual Valet Parking License for each Site no later than December 1 of each year in order to maintain the valet license without interruption, this must be done by completing a renewal application on a form prescribed by the Director in which the Licensee must disclose any changes related to the Valet Parking Service and make payment of all necessary fees. After reviewing the annual renewal application, the Director shall issue a renewal of the Licensee's Valet Parking License if the Licensee continues to meet the requirements of this article. Unless terminated sooner by the Director, the renewed Valet Parking License will be effective from January 1 through December 31 of each year the renewal is approved. If renewal is denied by the Director then the Licensee may appeal in accordance with Section 30-95. Failure to apply for renewal of Valet Parking License shall necessitate initiation of a new application.

Sec. 30-92 VIOLATIONS.

(a) It shall be an offense to violate Sections 30-96 through 30-99 of this Article.

(b) With the exception of Section 30-96(a)(5), an offense under this Article is a Class C misdemeanor, punishable by a fine not to exceed \$500.00 for each offense. Each day that a violation exists shall constitute a separate offense. In accordance Chapter 22, Article VI, Division 1, Section 22-158.3 of the City Code, it is a civil offense to violate Section 30-96(a)(5) of this Article.

Sec. 30-93 FEES.

(a) The Licensee must pay an annual fee of \$500 for each of the first two spaces for each approved application. Amounts will be prorated for applications made prior to January 1 of each year.

(b) If the Director determines that more than two (2) spaces are necessary, the fee shall be \$150 per additional space per year. Amounts will be prorated for applications made prior to January 1 of each year.

Sec. 30-94 DENIAL OR REVOCATION OF VALET PARKING LICENSE; TEMPORARY SUSPENSION.

(a) The Director shall deny a Valet Parking License if:

(1) The applicant fails to comply with the requirements of this article or other applicable law;

(2) The applicant makes a false statement of material fact or omission on an application for a Valet Parking License; or

(3) The Director determines that the operation of the Valet Parking Service would:

a. Endanger the safety of persons or property or otherwise not be in the public interest;

b. Unreasonably interfere with pedestrian or vehicular traffic;

c. 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

d. Unreasonably interfere with an existing use permitted at or near the proposed location of the Valet Parking Service.

(b) The Director shall revoke a Valet Parking License if:

(1) The Licensee fails to comply with the requirements of this article regulating Valet Parking Service, or other applicable law;

(2) The Licensee made a false statement or omission of material fact on an application for a Valet Parking License; or

(3) The Director determines that the operation of the Valet Parking Service:

a. Endangers the safety of persons or property or is otherwise not in the public interest;

b. Unreasonably interferes with pedestrian or vehicular traffic;

c. Unreasonably interferes with the use of a pole, traffic sign, traffic signal, hydrant, mailbox or other object permitted at or near the location of the Valet Parking Service; or

d. Unreasonably interferes with an existing use permitted at or near the location of the Valet Parking Service.

(c) After receipt of the notice of revocation, the Valet Parking License holder shall immediately discontinue providing Valet Parking Service using the public right-of-way.

(d) The Director 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 construction, maintenance or repair of streets or utilities.

(e) The police or fire chief, or their designated representatives, 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.

(f) If the Director revokes, denies or suspends a Valet Parking License, the Licensee shall receive written notice of his or her action, the reason for the revocation, denial or suspension and that the Licensee has the right to appeal the Director's decision. The decision of the Director is final unless a timely appeal is made.

Sec. 30-95 APPEAL OF DENIAL OR REVOCATION OF A VALET PARKING LICENSE.

(a) A person may appeal a denial, suspension or revocation of a Valet Parking License if he or she requests an appeal, in writing, received by the city manager not more than ten (10) days after notice of the action of the Director is issued to the applicant.

(b) The city manager or his or her designated representative shall act as the appeals hearing officer in an appeal under this section. The appeals hearing officer shall give the appealing party an opportunity to present evidence and make arguments on his or her behalf. The formal rules of evidence shall not apply to an appeal hearing under this section, and the appeals hearing officer

shall make a ruling within ten (10) days based on a preponderance of the evidence presented at the hearing.

(c) The appeals hearing officer may affirm, modify or reverse all or part of the action of the Director being appealed. The decision of the appeals hearing officer is final.

(d) All notices required under this article shall be in writing and sent via certified or registered mail, return receipt requested through the United Postal Service.

Sec. 30-96 STANDARDS FOR OPERATION OF A VALET PARKING SERVICE.

(a) A Licensee 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 30-99 of this article, to operate any vehicle in connection with the Valet Parking Service;

(2) Operate the Valet Parking Service in a manner that does not:

a. Use or occupy more of the public right-of-way than is allowed by the Valet Parking License;

b. Obstruct a pedestrian's use of a sidewalk;

c. Obstruct a vehicle operator's ability to see any part of an intersecting road;

d. Injure, damage or create a hazard to persons or property, or

e. Obstruct a vehicle's ability to use the adjacent travel lane;

(3) Place no more than two (2) Valet Parking Service stands on the public right-of-way;

(4) Neither place nor allow the placement of a sign advertising the Valet Parking Service in the public right-of-way that exceeds a base dimension of eighteen (18) inches, except as provided for under this Section or Section 30-101. The signs allowed under this Section are intended to define the limits of the valet operation only;

(5) Neither park nor allow the parking or standing of a vehicle in a Site for longer than thirty (30) minutes for hotels operating a Valet Parking Service and five (5) minutes for other non-hotel Valet Parking Service operators. For purposes of this subsection, parking or standing of a vehicle in a Site will be calculated based on the time that the vehicle is unattended. For purposes of this section, "unattended" shall mean the time that a vehicle remains at the Site when it is not being loaded or unloaded. Licensee shall not use the Site for parking Licensee's vehicles, including vehicles of any employee, independent contractor, subcontractor, or vendor;

(6) Not park a vehicle on the public right-of-way and shall use only an off-street parking location to park a vehicle accepted for Valet Parking Service;

(7) Notify Director within ten (10) days of a change in the location of off-street parking and provide Director with a signed agreement or other documentation showing that the Licensee has a legal right to park vehicles at the new location;

(8) Keep a copy of the Valet Parking License readily available at the Site during hours of operation and shall produce the copy on the request of the Director, the Director's authorized representatives, or a peace officer;

(9) Attach a sign to the Valet Parking Service stand with the Licensee's name and contact phone number; and

(10) Provide appropriate reflective material to an employee who enters the street while on duty, and an employee shall be required to wear the reflective material while on duty.

(b) Except for 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. 30-97 VALET PARKING SERVICE STANDS.

(a) A Licensee may place two (2) Valet Parking Service stands on the public right-of-way of the designated Site consistent with the application approved by the Director. 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 necessary items.

(b) A Valet Parking Service stand shall:

- (1) Not occupy an area of the public right-of-way exceeding four (4) feet in width and four (4) feet in depth;
- (2) Not be affixed to the public right-of-way in any manner;
- (3) Be removed from the public right-of-way when the Valet Parking Service is not being operated; and
- (4) Not unreasonably interfere with pedestrian or vehicular traffic.

(c) A name and/or logo may be placed on a Valet Parking Service stand for the sole purpose of identifying the Valet Parking Service. The identification of the Valet Parking Service shall not have dimensions greater than four (4) feet high and four (4) feet wide.

Sec. 30-98 LOCATION OF A VALET PARKING SERVICE.

(a) Spaces and stands for a Valet Parking Service may not:

- (1) Be within ten (10) feet of a crosswalk;
- (2) Be within ten (10) feet of a fire hydrant, fire call box, police or other emergency facility;
- (3) Be within five (5) feet of a driveway;
- (4) Be within three (3) feet in front of or fifteen (15) feet behind a sign marking a designated bus stop;
- (5) Be within five (5) feet of a bus bench; or
- (6) Reduce the unobstructed space for the passage of pedestrians to less than four (4) feet.

(b) The Director may require greater distances than those prescribed in subsection (a) above when warranted by special vehicular or pedestrian traffic conditions.

(c) The Licensee must adhere to the map submitted under Section 91(a)(2) as approved by the Director.

Sec. 30-99 INSURANCE.

(a) A Licensee shall procure, or cause to be procured, and keep in full force and effect, and shall keep on file with the Director, a policy of garage liability and garage keepers liability insurance, as evidenced by a certificate of insurance issued by a casualty insurance company authorized to do business in this state and accepted by the Risk Manager for the City of Fort Worth. The insured provisions of the policy must include a waiver of subrogation in favor of the City of Fort Worth as well as name the City of Fort Worth, and its officers and employees, as additional insureds. The coverage provisions must insure the public from loss or damage that may arise to any person or property by reason of the operation of a Valet Parking Service by the Licensee.

(b) The garage liability insurance shall provide liability for bodily injury and property damage resulting from the garage operations or operations of any auto whether or not owned by the insured and shall be in the minimum limit of \$1,000,000; other than garage operations which shall be \$1,000,000 per occurrence and an aggregate of \$2,000,000.

(c) In addition, the garage keepers insurance must provide a limit of liability for property damage of not less than \$1,000,000 for vehicles in the care custody and control of the Licensee. Maximum deductibles shall not exceed \$1,000 per unit, \$5,000 per loss comprehensive and \$1,000 for collision.

(d) The insurance policy required by subsection (a) of this section shall contain an endorsement which provides for ten (10) days' notice to the Director in the event of any material change or cancellation of the policy.

(e) Upon the Director's approval, an exception to the following requirements may be made if the exclusion of garage liability is waived and endorsed by the commercial general liability insurance policy to include garage operations.

(f) This section does not preclude additional or more stringent requirements for Valet Parking Services operated under a contract with the City of Fort Worth.

Sec. 30-100 INDEMNIFICATION AND HOLD HARMLESS.

Licensee, and any independent contractor used by the Licensee, must execute a written agreement to indemnify and hold harmless the City of Fort Worth and its officers and employees against all claims or injury or damage to persons or property arising out of the operation of the Valet Parking Service by the Licensee.

Sec. 30-101 SIGNS AND MARKINGS.

(a) The Director is authorized to place city signs or curb markings at a location licensed for a Valet Parking Service pursuant to this article.

(b) The signs and markings shall:

- (1) Indicate that the location is restricted for use by a Valet Parking Service;
- (2) State the days and hours of operation of the Valet Parking Service; and

- (3) Include a tow away sign.

SECTION 2.

Chapter 22, "Motor Vehicles and Traffic," Article VI "Stopping, Standing, and Parking," Division 1, "Generally" of the Code of the City of Fort Worth, Texas (2015), as amended, is hereby amended to add Section 22-158.3 to read as follows:

Sec. 22-158.3 VALET PARKING ZONES.

(a) It shall be unlawful for a driver of a vehicle, other than a Licensee operating under a Valet Parking License issued under Chapter 30, Article VI of the Code of the City of Fort Worth, Texas (2015), as amended, to park in any place marked as a valet parking zone.

(b) It shall be unlawful for a valet parking operator to violate Chapter 30, Article VI, Section 30-96(a)(5) of the Code of the City of Fort Worth, Texas (2015), as amended. For purposes of this subsection, a valet parking operator is defined as a person or entity, including any employees or subcontractors, that operates under a valet parking license issued pursuant to Chapter 30, Article VI of the Code of the City of Fort Worth, Texas (2015), as amended.

SECTION 3.

This ordinance shall be cumulative of all provisions of ordinances of the Code of the City of Fort Worth, Texas, (2015), as amended, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances and such Code, in which event conflicting provisions of such ordinances and such Code are hereby repealed.

SECTION 4.

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this ordinance are severable, and, if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 5.

All rights and remedies of the City of Fort Worth, Texas, are expressly saved as to any and all violations of the provisions of the Code of the City of Fort Worth, or any other ordinances of the City, that have accrued at the time of the effective date of this ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this ordinance, but may be prosecuted until final disposition by the courts.

SECTION 6.

Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this ordinance related to the operation of a Valet Parking Service shall be fined in an amount not to exceed Five Hundred Dollars (\$500) for each criminal offense. Each day that a violation exists shall constitute a separate offense. The violation of the provisions of this article related to the parking and stopping of vehicles shall be civil offenses subject to civil penalties and fines pursuant to the procedures for administrative adjudication as set forth in Chapter 10 of this Code. Accordingly, any person, firm, or corporation who violates any provision of this Code related to the parking, stopping or standing of vehicles shall be fined in an amount not exceeding two hundred dollars (\$200.00) for each offense. Each violation shall constitute a separate offense.

SECTION 7.

The City Secretary of the City of Fort Worth, Texas is hereby directed to publish the caption, penalty clause and effective date of this ordinance for two (2) days in the official newspaper of the City of Fort Worth, Texas, as authorized by Texas Local Government Code, Section 52.013.

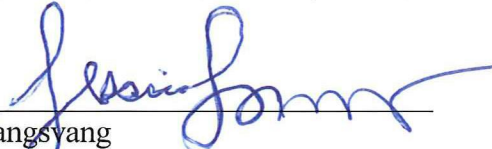
SECTION 8.

All other provisions of Chapters 30 and 22 of the Code of the City of Fort Worth, Texas, as amended, shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 9.

This ordinance shall take effect upon adoption and publication as required by law, and it is so ordained.

APPROVED AS TO FORM AND LEGALITY:



Jessica Sangsyang
Assistant City Attorney II

ATTEST:



Mary J. Kayser
City Secretary

ADOPTED: May 17, 2016

EFFECTIVE: May 26, 2016

City of Fort Worth, Texas
Mayor and Council Communication

COUNCIL ACTION: Approved on 5/17/2016 - Ordinance No. 22224-05-2016

DATE: Tuesday, May 17, 2016

REFERENCE NO.: G-18740

LOG NAME: 20VALET

SUBJECT:

Adopt Ordinance Amending Chapter 30, Article VI, Valet Parking and Chapter 22, Article VI, Stopping, Standing, and Parking of the Code of the City of Fort Worth, Texas (2015) to Modify the Permit Application Process, Specify the Applicability of the Ordinance, Increase the Time Limit for Standing Vehicles at Hotels, Complete Other Minor Revisions and Add Section 22-158.3 to Create a Valet Parking Zone (ALL COUNCIL DISTRICTS)

RECOMMENDATION:

It is recommended that the City Council adopt the attached ordinance amending Chapter 30, Article VI, Valet Parking and Chapter 22, Article VI, Stopping, Standing and Parking of the Code of the City of Fort Worth, Texas (2015) to modify the permit application process, specify the applicability of the ordinance, increase the time limit for standing vehicles at hotels, complete other minor revisions, and add Section 22-158.3 to create a Valet Parking Zone.

DISCUSSION:

The purpose of this Mayor and Council Communication is to revise the Valet Parking Ordinance to meet the changing needs of the valet business as well as improving requirements relative to safety and accountability in the operation of these valet zones. A stakeholder group was created with representatives from the restaurant, hotel and general business sector across the key business districts within the City of Fort Worth including the Cultural District, the Stockyards and the Central Business District in order to gain input on these core issues. The stakeholder group agreed that changes to the current ordinance are needed to improve operations for all concerned parties.

Valet Ordinance Revisions

The stakeholder group identified the following areas of potential improvement, and along with Staff's recommendation, the ordinance includes the following changes:

- Standing time in valet zone –standing time will increase to 30 minutes for hotels and will remain as 5 minutes for all other operators;
- Application renewals – process will be simplified by changing to a January to December period;
- Violations – modified to enforce violations against the operator rather than the vehicle owner and added a civil penalty for violating standing time in a Valet Parking Zone to Section 22-158.3 of the City Code;
- Standards of operation – cones can be used to delineate operations, and the ordinance will not apply to valet operations on private property or areas under written agreement with the City; and
- Employee safety and public safety – nighttime reflectivity will be required.

This M&C does not request approval of a contract with a business entity.

FISCAL INFORMATION / CERTIFICATION:

The Director of Finance certifies that there will be no material financial impacts to the City of Fort Worth.

relative to the changes in the ordinance.

FUND IDENTIFIERS (FIDs):

TO

Fund	Department ID	Account	Project ID	Program	Activity	Budget Year	Reference # (Chartfield 2)	Amount
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FROM

Fund	Department ID	Account	Project ID	Program	Activity	Budget Year	Reference # (Chartfield 2)	Amount
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CERTIFICATIONS:

Submitted for City Manager's Office by:

Jay Chapa (5804)

Originating Department Head:

Douglas W. Wiersig (6157)

Additional Information Contact:

Peter Elliott (7977)
