

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF HOLLYWOOD, FLORIDA, AMENDING CHAPTER 72 ENTITLED "PARKING" BY AMENDING SECTION 72.158 ENTITLED "VALET PARKING", TO UPDATE THE REGULATIONS TO BE CONSISTENT WITH FLORIDA DEPARTMENT OF TRANSPORTATION REQUIREMENTS; PROVIDING FOR A SEVERABILITY CLAUSE, A REPEALER PROVISION, AND AN EFFECTIVE DATE.

WHEREAS, Section 72.158 of the City of Hollywood Code of Ordinances sets forth guidelines and regulations relating to valet parking within the City; and

WHEREAS, certain valet parking operations within the City encroach on the Florida Department of Transportation rights-of-way and new requirements, including but not limited to the payment of rent for such use, have been submitted by the Florida Department of Transportation, whereby it is necessary to revise the current regulations; and

WHEREAS, the Chief Development Officer of the City and the Parking Administrator recommend that the following revisions to Section 72.158 be adopted by the City Commission;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF HOLLYWOOD, FLORIDA:

Section 1: That Section 72.158 of the Hollywood Code of Ordinances entitled "Authority to Issue Citations" is hereby amended as follows:

**TITLE VII: TRAFFIC CODE**

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**CHAPTER 72: PARKING**

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***ADMINISTRATION AND ENFORCEMENT***

(Coding: Words in ~~struck-through~~ type are deletions from existing law; words underscored are additions).

## § 72.158 VALET PARKING.

(A) *Valet parking permits required for use of public property to operate a valet ramp.* The city, acting by the Director of Development Services or his/her designee of the Office of Parking & Intergovernmental Affairs, shall issue a valet parking permit to valet parking operators who conduct their operations on public property. No valet parking service shall occur on public property without the operator first securing a valet parking permit from the Director of Development Services or his/her designee of the Office of Parking & Intergovernmental Affairs. A separate permit is required for each location where valet parking services are provided. Valet parking permits shall only be issued to operators who are licensed by the City of Hollywood pursuant to this chapter.

(B) *Valet parking permit requirements.* No valet parking permit shall be issued without proof of the following:

(1) Approval from the City's Risk Manager that the valet parking operator operation has met the following insurance requirements:

(a) Commercial general liability or garage liability insurance in the amount of \$1,000,000 per occurrence and per location covering bodily injury and property damage resulting from the valet operator's activities connected with the handling of vehicles on public property. This policy must name the city as an additional insured. If the valet parking operations encroach on Florida Department of Transportation right-of-way within the city, then the insurance policies must also name the Florida Department of Transportation as an additional insured.

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(3) If incorporated, the valet parking operator shall provide a copy of its articles of incorporation to the Director of Development Services or his/her designee of the Office of Parking & Intergovernmental Affairs.

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(8) The Director of Development Services or his/her designee of Parking & Intergovernmental Affairs and the City Engineer, as a condition precedent to issuance of a valet permit, must authorize the location and layout of each proposed valet parking permit. The Director or his/her designee of Parking & Intergovernmental Affairs and the City Engineer are authorized to approve, deny, or approve with conditions each such location and layout. The criteria will be whether such operation will unreasonably or substantially infringe upon the public right-of-way or traffic flow on or adjacent to such premises. The Director or his/her designee of Parking & Intergovernmental Affairs and the City Engineer shall give their written approval, or comments and concerns, as to each such location and layout, and such approval, or comments and concerns, as applicable, shall not be unreasonably delayed. ~~In the event~~

~~rental of municipal parking spaces is proposed by the valet operator, the Director of Parking & Intergovernmental Affairs will consider the criteria set forth in § 72.159 of this chapter in making his or her determination. For valet parking operations that encroach on Florida Department Transportation rights-of-way or public property, the valet operations shall comply with the following:~~

(a) Design Standards for Design, Construction, Maintenance and Utility Operations on the State Highway System – Topic No. 625-010-003 (Department Procedure); and

(b) Plans Preparation Manual (PPM) – Topic No. 625-000-007 (Department Procedure); and

(c) Facilities Access for Persons with Disabilities (ADA Compliance) – Topic No. 625-020-015 (Department Procedure).

In addition to the above, any modifications to size, configuration or use of the permitted area which are located or encroach on Florida Department of Transportation rights-of-way, prior written approval by the Florida Department of Transportation for said valet operations is required.

*(C) Rate, term, and renewal.*

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(3) ~~Renewal shall be on an annual basis and shall only be granted after approval from the Director of Development Services or his/her designee of the Office of Parking & Intergovernmental Affairs, Risk Manager and City Engineer.~~

(4) ~~Hours of operation shall be established by the Director of Parking & Intergovernmental Affairs~~ Parking Administrator.

*(D) Cancellation, ~~and revocation,~~ or suspension of permit.*

(1) The Director of Development Services or his/her designee of the Office of Parking & Intergovernmental Affairs shall cancel the permit if the valet company no longer services the commercial establishment which authorized its operation at that location. This cancellation and revocation may be effective whether the valet company voluntarily discontinues service to the establishment or the establishment revokes authorization for the valet company to service the location. Cancellation and revocation of the valet parking permit under this subsection shall be effective immediately upon service of the notice of cancellation. The Office of Parking & Intergovernmental Affairs Director or his/her designee shall inform the commercial establishment being serviced by the valet operator of any cancellation or revocation. Service of the notice of cancellation shall be by hand delivery or certified mail, return receipt requested. The

Director or his/her designee may also revoke the permit if the valet operator has not paid the required permit fees.

(2) In the event that the valet company violates the requirements of this chapter, the Director, or his/her designee, will provide written notice to the valet operator of said violation and if the valet company fails to correct the violation within three days of receipt of the notice, the Director, or his/her designee, may revoke the valet parking permit. Upon revocation of the permit, the Director shall provide written notice of such action to the valet operator. The notice shall become effective within ten days unless the valet company appeals to the City Manager. Appeals shall be initiated within ten days of such revocation of the permit by filing a notice of appeal with the Director, or his/her designee. The Director shall schedule a hearing before the City Manager who shall hear and determine the appeal. The decision of the City Manager shall be final.

(3) Any valet parking permit for property within FDOT right-of-way shall be subject to the lease agreement ("Lease") between FDOT and the City of Hollywood. Any termination or expiration of the Lease will automatically terminate any valet parking permit issued by the City at which time any and all items of the valet operation must be removed from the valet operation location.

(4) The use of the City's and FDOT's rights-of-way is subject to any and all Utility Permits, Access Permits, and Rights-of-Way Improvement Permits that have been issued or may be issued by either the City or FDOT in the future. The City may suspend the valet parking permit for any period of time required to complete the work included in the permit.

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*(F) Operation of service.*

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*(2) Ramping.*

*(a) Ramping in ramping spaces only.* Ramping shall only be operated in the spaces provided for ramping. There shall be no storage of vehicles in the area used for ramping. Ramping on public property shall not occur in any location other than the public on-site/curbside parking spaces for ramping. Ramping from a moving lane of traffic is strictly prohibited. For ramps which are to be located on an FDOT right-of-way, prior approval of FDOT is required and the following design standards must be adhered to:

1. Design Standards for Design, Construction, Maintenance and Utility Operations on the State Highway System – Topic No. 625-010-003 (Department Procedure); and

2. Plans Preparation Manual (PPM) – Topic No. 625-000-007 (Department Procedure); and

3. Facilities Access for Persons with Disabilities (ADA Compliance) – Topic No. 625-020-015 (Department Procedure).

In addition to the above, for any modifications to size, configuration or use of the permitted area which are located or encroach on Florida Department of Transportation rights-of-way, prior written approval by the Florida Department of Transportation for said valet operations is required.

(b) *Rental of public spaces for ramping.* The City Office of Parking & Intergovernmental Affairs may rent to the valet operator available public on-street/curbside parking spaces which shall be used only for the ramping of vehicles. Ramping of vehicles shall consist of allowing customers to enter or exit a vehicle and turn it over to or retrieve it from valet employees. Ramping shall only be operated in the public on-street/curbside parking spaces provided by the City Office of Parking & Intergovernmental Affairs or by FDOT for those areas located or encroaching on FDOT rights-of-way which will require prior approval from FDOT for ramping. Ramping will not be allowed if the Parking Division Office of Parking & Intergovernmental Affairs and the City Engineer determine, in their sole discretion, utilizing the criteria set forth in this division and division (B) above, that it would be an unsafe activity at the proposed location.

(c) *Rental fees for public on-street/curbside spaces.* The fee for use of the rented spaces shall be established by resolution of the City Commission. Fees shall be paid monthly, one month in advance, commencing on the date the permit issued by the Parking Division Office of Parking & Intergovernmental Affairs. All additions or changes to existing on-street/curbside parking spaces for ramping shall be paid upon request. All valet space lease requests shall be submitted in writing to the Director of Development Services Office of Parking & Intergovernmental Affairs or his/her designee, at least 24 hours in advance. If the valet operation is located or encroaches on FDOT rights-of-way, the valet operator will be required to pay an additional fee which shall be set forth in the resolution of the City Commission and pursuant to the Lease.

(d) *Number of leased spaces for ramping.* The number of ramping spaces available to the valet operator shall be determined by the frontage of the establishment being serviced, provided that there is sufficient public on-street/curbside spaces available for ramping, as determined in the sole discretion of the Director of Development Services or his/her designee of the Office of Parking & Intergovernmental Affairs or his/her designee.

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(f) *Rental of additional parking for storage of vehicles.* Except as hereinafter provided, storage space required for the operation of a valet service shall be provided in private parking lots. All such facilities shall meet all applicable code, ordinance and regulatory requirements of the city. The City Office of Parking & Intergovernmental Affairs may lease additional public spaces for the storage of vehicles for special events, special programs or residential functions, or at the request of the valet operator, if the proposed valet storage space does not take away from public parking demand in the area. The fee for the use of storage parking spaces shall be established by resolution of the City Commission or by short-term lease entered into pursuant to § 72.098 herein.

(3) *Storage.* Storage of vehicles shall only be in private spaces or in leased municipal spaces as provide by the City Office of Parking & Intergovernmental Affairs. Other than leased municipal spaces, there shall be no storage of vehicles on any municipal property whatsoever. Valet operators shall clearly identify the vehicles in possession during the entire period that the car is in their possession. Ramp identification shall be made by stating the name of the establishment which the ramp is servicing. Unauthorized storage of valet vehicles in municipal parking facilities, or at any public on-street/curbside parking spaces is strictly prohibited and shall result in the issuance of a valet violation to the valet operator in the amount of \$250 per occurrence.

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(H) *Right of appeal; recovery of unpaid fines.*

(1) The procedures for an appeal by a valet operator who has been served with a notice of violation shall be the same as are set forth in § 72.154(B) herein, and any amendments thereto.

(2) If filing a request for a hearing as set forth herein, the valet operator must post a bond in the amount of the civil fine with the Director of Development Services or his/her designee Office of Parking & Intergovernmental Affairs. If the valet operator is successful in his/ her appeal the bond shall be returned to the valet operator. If the valet operator is unsuccessful in the appeal, the Parking Division Office of Parking & Intergovernmental Affairs shall retain the bond.

(3) If the named violator after notice fails to pay the civil fine or fails to request, on a timely basis, an appeal of the citation, the Director shall be informed of such failure by a report from the Parking Division Office of Parking & Intergovernmental Affairs. Failure of the named violator to appeal the citation shall constitute a waiver of a right to appeal under this section. ~~A violator aggrieved by the decision of the court may appeal the decision of the court in accordance with the Florida Rules of Appellate Procedure, as amended from time to time. Failure of the violator to appeal the decision in a timely manner to the Special Magistrate as provided by law shall be treated as an admission of the violation and penalties may be assessed accordingly.~~

(I) *Recovery of unpaid fines.*

(1) The city may institute proceedings in a court of competent jurisdiction to compel payment of civil fines.

(2) A certified copy of an order imposing a civil fine may be recorded in the public records and shall constitute a lien upon any real or personal property owned by the violator and it may be enforced in the same manner as court ~~judgment~~ judgement by the sheriffs of this state, including levy against the personal property, but shall not be deemed to be a court judgment except for enforcement purposes. After two months from the filing of any such lien which remains unpaid, the city may foreclose or otherwise execute upon the lien. The city shall be entitled to recover its reasonable attorney's fees in such civil action to collect the lien.

(3) As an additional means of enforcement, the city may seek injunctive relief and/or follow procedures to revoke a local business tax receipt as set forth in the city code when there are repeated violations of this chapter.

(4) The Parking Division ~~Office of Parking & Intergovernmental Affairs~~ shall withhold issuance of any new or renewed valet permits and leased public on-street/curbside valet parking spaces, and suspend current valet permits until past due violations are paid in full. The Parking Division ~~Office of Parking & Intergovernmental Affairs~~ reserves the right to bring forward, for institution of an appropriate civil action and/or administrative proceeding, any party who has waived their right to appeal and has over three outstanding violations.

(J) *Valet operators' responsibility for vehicles in their possession.* Valet operators shall pay all fines and fees, including towing charges, arising in connection with a patron's vehicle which is in the possession of the valet operator at the time such charge is incurred. This does not preclude the valet operator from being cited by the City Office of Parking & Intergovernmental Affairs for violations of this section which resulted in the imposition of fines and fees.

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ORDINANCE AMENDING SECTION 72.158 OF THE CODE OF ORDINANCES ENTITLED "VALET PARKING" (2016).

Section 2: That it is the intention of the City Commission that the provisions of this ordinance shall become and be made a part of the Code of Ordinances of the City of Hollywood, Florida, and the provisions of this ordinance may be renumbered to accomplish such intention.

Section 3: That if any word, phrase, clause, subsection or section of this ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect the validity of any remaining portions of this ordinance.

Section 4: That all sections or parts of sections of the Code of Ordinances, all ordinances or parts of ordinances, and all resolutions or parts of resolutions in conflict herewith be and the same are hereby repealed to the extent of such conflict.

Section 5: That this ordinance shall be in full force and effect immediately upon its passage and adoption.

Advertised on \_\_\_\_\_, 2016.

PASSED on first reading this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

PASSED AND ADOPTED on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

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PETER BOBER, MAYOR

ATTEST:

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PATRICIA A. CERNY, MMC  
CITY CLERK

APPROVED AS TO FORM & LEGALITY  
for the use and reliance of the  
City of Hollywood, Florida, only.

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JEFFREY P. SHEFFEL, CITY ATTORNEY