

CITY OF CORAL GABLES

ORDINANCE NO. 3604

AN ORDINANCE AMENDING CHAPTER 25 OF THE CODE OF THE CITY OF CORAL GABLES, ENTITLED "TRAFFIC AND MOTOR VEHICLES" AND IN PARTICULAR ARTICLE VIII, ENTITLED "VALET PARKING", TO PROVIDE FOR INSURANCE REQUIREMENTS, TRAFFIC PLAN, CITATION PROCESS, WAIVING THIRTY DAY WAITING PERIOD AND MAKING ORDINANCE EFFECTIVE IMMEDIATELY; AND REPEALING ALL ORDINANCES INCONSISTENT HERewith.

WHEREAS, the City of Coral Gables, in an effort to encourage growth and development in the Central Business District and to encourage retail and restaurant businesses, has adopted a Valet Parking Ordinance and a system of permitting whereby property owners and restauranteurs apply for valet parking privileges, and

WHEREAS, the city now wishes to amend the ordinance to provide stricter compliance with the provisions of the Ordinance, and

WHEREAS, most property owners and restauranteurs comply with the provisions of the Valet Parking Ordinance, and

WHEREAS, in some instances failure to comply by a restauranteur has caused significant traffic and parking problems in certain locations, and

WHEREAS, the City wishes to strengthen the provisions of the Valet Parking Ordinance.

NOW THEREFORE, BE IT ORDAINED BY THE COMMISSION OF THE CITY OF CORAL GABLES:

**CHAPTER 25 TRAFFIC AND MOTOR VEHICLES
ARTICLE VIII VALET PARKING**

Sec. 25-135. Regulation of valet parking; limitations.

- (a) It shall be unlawful for any person or company to provide, on a continuing basis, a parking service which uses public right-of-way, public or private parking spaces either for pick-up, delivery or storage of automobiles without first obtaining a valet parking permit pursuant to the regulations herein.

Any vehicles valet parked outside of their assigned parking zone in any other on or off-street parking stalls or private property without property owner's written authorization will be cited.

- (b) Valet parking permits may be obtained for the operation of valet parking services at any city licensed hotel, motel or restaurant.
- (c) Valet parking spaces cannot substitute for or be counted as off-street parking spaces as required by the Zoning Code or other applicable city codes.

Sec. 25-136. Application and review procedures for valet parking permit.

- (a) Applications for a valet parking permit shall be made by the owner of the business for which valet parking services are to be provided or by that valet parking company providing the service. The application shall be submitted to the Parking Department on forms provided by the same department. Traffic plan must be submitted with original application detailing route to be followed between the pick up & delivery zones and the storage area.
- (b) If the operator of the valet parking service is a separate company from the business owner, the submitted application must include the valet company's Coral Gables occupational license.
- (c) The application shall include the required information and fees as specified in Section 25-137, of this chapter.
- (d) Insurance Requirements

The City of Coral Gables will require a certificate of insurance from each valet parking company (i.e. restaurant) requesting inclusion in the valet parking program.

1. The required certificate of insurance is to be made available to Insurance & Safety Division of the Employee Relations Department located at 2801 Salzedo Street 2nd floor.
2. The insurance coverage shall include:
 - A. Garage Liability with limits of \$1,000,000 per Occurrence naming the City as an Additional Insured.
 - B. Garage Keepers Legal Liability of no less than \$50,000 each Auto and \$250,000 Aggregate.
 - C. Workers Compensation: Florida Statutory Limits plus Employers Liability Limit no less than \$100K/\$500K/\$100K.
 - D. Any other requirements as determined by the City Attorney, or other City Department.

Each permit holder must agree to keep this minimum liability coverage in effect for the duration of this agreement and provide the city with a new certificate 15 days before their policy renewal date.

- (e) The Parking Director shall review the application and may approve, approve with conditions, or deny the subject application.
- (f) An Appeal from the decision of the Parking Director on a valet parking application may be taken to the Parking Advisory Board. The Board shall have the authority to uphold or overrule the Parking Director's decision.

Sec. 25-137. Standards for valet parking service.

Evening Time Period Valet Parking

- (a) Valet parking services will only be provided after 6:00 p.m. Monday through Saturday, and at any time on Sunday.
- (b) Signage: A temporary pole mounted valet parking information sign may be located in front of the business providing valet service only during the time the valet service is in operation. The Parking Department shall provide standards for valet parking signage including material used, height, size, color, lettering and categories of information to be displayed. No other signage shall be permitted in relation to valet parking.
- (c) Pick-up/deliver zones: A valet parking service may only pick up and deliver vehicles in the curb lane closet to the entrance to the establishment. The service may reserve on-street public metered parking spaces for the delivery and pick-up of vehicles if an adequate number of metered spaces are available. A minimum of two parallel or three angle parking stalls are required. The maximum number of reserved parking spaces used for a pick-up/delivery zone shall be determined by the Parking Director but in no case may that number of stalls exceed four (4). The valet parking permit application shall indicate the location of the reserved parking spaces. In no case may any vehicle be parked in excess of 15 minutes in any pick up and delivery zone parking stall.
- (d) Parking storage spaces: The number and location of reserved off-site parking storage spaces must be identified as part of the application for a valet parking permit. The number and location of reserved off-site spaces shall be appropriate to serve the establishment. If the off-site parking spaces are located in a private parking facility a written agreement shall be submitted authorizing the use of the parking spaces from the property owner and must be submitted with the application. Public off street parking spaces may also be reserved for parking storage wherever public access is not compromised and subject to approval of the Parking Director.

Lunch Time Period Valet Parking

- (a) Valet parking permits for the lunch time defined as Monday through Saturday may be obtained in order to provide valet parking which uses public parking spaces as a pick-up or delivery zone for customer cars, and have a sufficient number of private parking stalls to meet their storage requirements.*

*Note: A restaurant can provide valet parking at any time without a permit if the pick-up and storage of cars is accomplished on their own property.

- (b) A lunch time (Monday – Saturday) valet parking permit will be available from the City Parking Department.
- (c) All regulations currently obtained in the City Code (Chapter 25, Article VIII) will govern the provision of valet parking during the lunch time period with the following exceptions:
 - 1. Applicants must file an application and a certificate or letter specifically indicating the location and number of spaces available for storage of valet parked vehicles during the lunch time period. These spaces cannot include any on-street or off-street public parking spaces. The approval of the application is at the discretion of the Parking Director.

Valet parking permit fees.

The following fees shall be paid to the Parking Department:

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|----|----------------------------|-------------------------------------|
| 1. | Application and Permit Fee | \$ 100 |
| 2. | (Evening) | |
| | A. Pick-up/Delivery Zone | \$1.00 hourly
Effective 01-02-03 |
| | B. Storage space | \$ 25 monthly |
| 3. | (Lunch) | |
| | Pick-up/Delivery Zone | \$1.00 hourly |

A security deposit equal to the monthly cost for reserved spaces shall be paid at the time the parking permit is obtained.

Failure to pay the monthly fee to the Parking Department by the 10th day after the end of the previous month may result in immediate suspension or revocation of the valet parking permit.

Section 25-138 A That Chapter 25 of the “Code of the City of Coral Gables”

Entitled "Traffic and Motor Vehicles" shall be and it is hereby amended and, in particular, Article VIII, "Valet Parking"; to provide for stricter compliance with the provisions of the Chapter, establishing procedures and penalties for violation, as follows:

The Parking Director or designee may inspect the operation of any valet parking service and may issue warnings to the establishment that the service is in violation of the regulations contained herein or is in violation of other provisions of the Zoning Code. Failure to correct violations may result in the Parking Director suspending or terminating a valet parking service permit. The Parking Director shall have the authority to review, modify and/or suspend a previously issued valet parking permit if there is evidence that the operation is in violation of city code provisions or has caused a hardship in the vicinity. (Ord. No. 2983. §1, 3-31-92)

1. First violation or violations: The Parking Director or designee, or the appropriate Department, including Police Department, may issue a citation to the restaurant owner and/or the Valet Parking Operator, detailing the violations, citation number or numbers, and the license plate or plates of vehicles parking in violation, and the amount of the fine(s), and a warning that a second date of violation within a six month period will result in the owner and valet parking operator being required to make an appearance before the Parking Advisory Board, which shall act in accordance with the provisions provided herein.
2. Second violation and/or violations occurring within a six-month period: A citation or citations will be issued via a certified letter to the owner and the Valet Parking Operator detailing the violations, citation numbers, and the license plates of vehicles parking in violation, and amount of fine(s). The owner and Valet Parking Operator shall be required to appear before the Parking Advisory Board at the next regularly scheduled meeting, and may be subject to suspension or further conditions of valet parking privileges for a period deemed appropriate by the Board, with the understanding that the owner, operator or their designees failure to appear may result in the restaurants being terminated, removed or suspended from participation in the valet parking program. Once suspended under the provision of this section, the owner and operator shall be prohibited from further valet parking from any location unless approved by the Parking Advisory Board upon applying for reinstatement.
3. Third violation and/or violations occurring within a six-month period. A citation or citations will be issued via certified letter to the owner and the Valet Parking Operator, detailing the violations, citation numbers, license plates of vehicles parking in violation and amount of fine(s). The owner and Valet Parking Operator are required to make an appearance before the Parking Advisory Board at their next regularly scheduled meeting, and may be subject to suspension, removal or termination from the Valet

Parking Program for a period deemed appropriate by the Board with the understanding that the owner and/or Valet Parking Operators or designee's failure to appear may result in complete termination of privileges to participate in the Valet Parking Program. Any valet parking participant suspended for a period longer than 30 days may reapply for valet parking participation through the Parking Advisory Board at the next regularly scheduled meeting.

Section 25-138 B Violations appeal procedures: rights and remedies; supplemental provisions.

The decision of the Parking Director or designee to suspend, review or modify previously issued valet parking permits may be appealed to the Parking Advisory Board within 10 days of the issuance of a written decision by the Parking Director, or designee. If the Parking Director, or designee, finds a violation of this Article:

(a) The Parking Director, or designee, may issue a Notice of Violation to the violator (valet company operator in violation of the ordinance) as provided herein, and as this article may be amended from time to time. The notice shall inform the violator of the nature of the violation, amount of fine for which the violator may be liable, instructions and due date for paying the fine, notice that the violation may be appealed by requesting an administrative hearing within 20 days after service of the Notice of Violation, and that failure to appeal the violation within the 20 days shall constitute an admission of the violation and a waiver of the right to a hearing.

(b) The following civil fines may be imposed for each violation:

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| 1. | Unauthorized/illegal ramping | \$ 150 per offense |
| 2. | Unauthorized/illegal storage | \$ 250 per offense |
| 3. | Operation without Valet Parking Permit | \$ 250 per offense per day may be imposed per vehicle |
| 4. | Failure to follow approved route between pick up & delivery zones and the designated storage area | \$ 75 per offense |
| 5. | Penalty for lapse in required insurance coverage from date of lapse | \$ 250 per offense per day |
| 6. | No name tag | \$ 25 per offense |
| 7. | No uniform | \$ 25 per offense |
| 8. | No valid Florida Driver's License | \$ 25 per offense and immediate removal of the employee from valet parking operations |
| 9. | Non-compliance with valet employee list | \$ 25 per day |
| 10. | Repeat violators | \$ 500 per offense |

11.	Violations after initial suspension	\$1000 per offense
12.	Usage of unauthorized tow service	\$ 250 per offense
13.	Other violations of the City Code	\$ 150 per offense

- (c) A violator who has been served with a Notice of Violation shall elect either to:
1. Pay the civil penalty in the manner indicated on the notice, and correct the violation within the time specified; or
 2. Request an administrative hearing before a hearing officer to appeal the determination of the director or designee which resulted in the issuance of the Notice of Violation.
- (d) An appeal for administrative hearing shall be accomplished by filing a request in writing to set the hearing before the hearing officer for review and mailed to the parking director or designee or to the address indicated on the notice, not later than twenty (20) days after the service of notice. The hearing shall be conducted in the same manner as provided in Section 2 of the City Code.
- (e) If the named violator, after notice, fails to pay the civil penalty and correct the violation (within the time specified), or to timely request an administrative hearing before the hearing officer, such failure shall constitute a waiver of the violator's right to an administrative hearing before a hearing officer. A waiver of the right to an administrative hearing shall be treated as an admission of the violation and penalties may be assessed accordingly. (Ord. No. 3077 §1, 5-24-94)

Section 25-139 Vehicle Removal

- (a) Whenever appropriately ascertained that a vehicle is unlawfully parked in a properly bagged or decaled valet designated pick up and delivery zone said vehicle may be removed through tow and stored at owner's expense.
- (b) Only that vendor "Tow Company" selected by the city to provide a tow service from on-street and off-street city parking stalls is authorized to be used by any users including valet parking companies. The use of any other tow company to service these locations will constitute a violation of this ordinance.

Responsibility and liability for vehicle removal and storage shall be the sole province of the valet parking company requesting such removal.

Section 25-140 Parking Advisory Board

In addition to the responsibility specified in section 25-136(f), the Parking Advisory Board upon the request of the Parking Director may review and advise upon general

standards for valet parking signage, key storage, as well as number and location of reserved off-site parking storage spaces.

That all ordinances or parts of ordinances inconsistent or in conflict herewith shall be and the same are hereby repealed insofar as there is conflict or inconsistency.

PASSED AND ADOPTED THIS 12TH DAY OF NOVEMBER, A.D., 2002.
(Moved by Commissioner Kerdyk, seconded by Commissioner Anderson, passed 5/0 vote)

APPROVED:



DONALD D. SLESNICK II
MAYOR

ATTEST:


YOLANDA AGUILAR
CITY CLERK

APPROVED AS TO FORM


ELIZABETH M. HERNANDEZ
CITY ATTORNEY